

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION
CASE NO. 23-CR-14013-AMC

UNITED STATES OF AMERICA,

Plaintiff,
vs.

FORT PIERCE, FLORIDA

RAYMOND SAUNDERS,

Defendant.

MAY 8TH, 2023

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DAY I OF III

TRANSCRIPT OF JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT:

JOHN C. McMILLAN, AUSA
U.S. Attorney's Office
500 S. Australian Ave., Suite 400
West Palm Beach, Florida 33401

FOR THE DEFENDANT:

MARTIN L. ROTH, ESQ.
Martin L. Roth, P.A.
1700 East Las Olas Blvd., Suite 307
Fort Lauderdale, Florida 33301

REPORTED BY:

DIANE M. MILLER, RMR, CRR, CRC
Official Court Reporter
United States District Court
Fort Pierce, FL 34950
(772) 467-2337

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P-R-O-C-E-E-D-I-N-G-S

THE COURT: Thank you, you may be seated.

Please call the case.

THE COURTROOM DEPUTY: United States v. Raymond Saunders, case number 23-criminal-14013. Will the parties please make your appearances, starting with the Government.

MR. McMILLAN: Good morning, Your Honor; John McMillan on behalf of the Government and with me at counsel table is Special Agent [unintelligible]

THE COURT REPORTER: I didn't catch that name.

AGENT WOODBURY: Good morning, Your Honor; Agent Woodbury, Homeland Security Investigations.

THE COURT: All right. So I think it is probably prudent to advise Mr. McMillan, you are going to have to slow down during the trial when you are speaking for the benefit of our court reporter.

And Mr. Woodbury, what is your first name?

AGENT WOODBURY: Joshua Woodbury.

THE COURT: Thank you, Mr. McMillan.

MR. ROTH: Good morning, Your Honor; my name is Martin Roth, I represent Mr. Saunders, who is with me at the defense table, Raymond Saunders.

THE COURT: Good morning, Mr. Roth, and good morning, Mr. Saunders.

THE DEFENDANT: Good morning.

1 THE COURT: All right. We are here for a trial in
2 this matter, I have some preliminary matters to discuss with
3 the parties before I get started.

4 Are there any developments I should be aware of,
5 Mr. McMillan?

6 MR. McMILLAN: I don't know that these would be
7 considered developments, Your Honor. We have a requested
8 recording redaction instruction that we wish the Court would
9 consider giving at some point, I have spoken to Defense
10 Counsel, he has no objection to it.

11 Basically, it is just letting the jury know that the
12 recordings that we may play may be redacted or edited, I have a
13 sample of it in writing for the Court's --

14 THE COURT: Okay, thank you.

15 Any objection, Mr. Roth, to this proposal?

16 MR. ROTH: No objection.

17 THE COURT: All right. I'll see the sample.

18 MR. McMILLAN: May I approach, Your Honor?

19 THE COURT: You may.

20 MR. McMILLAN: And other than that, Your Honor, we
21 had the addition of one exhibit for our exhibit list, which
22 would be Number 122, and I apologize, that's a photograph of
23 the console of the money laundering vessel. Those are the only
24 two things I can think of to mention right now, Your Honor.

25 THE COURT: Mr. Roth, anything you wish to raise at

1 this time, before we get into the nitty-gritty.

2 MR. ROTH: Yes, Your Honor. There has been the issue
3 of threatening text messages which were located on the
4 Defendant's cell phone, and as I look further and further into
5 it, and I also conferred with the Government, I came to the
6 conclusion that those text messages are most likely
7 inauthentic; in other words, they weren't sent by a person
8 communicating a threat. I initially was going to request the
9 coercion and duress instruction, and I had indicated that those
10 would be Defense exhibits.

11 I now understand that the Government intends to
12 introduce those exhibits during their case in chief, so I just
13 wanted to put the Court on notice that I would not introduce
14 them into evidence because I think I would be prohibited
15 ethically, but if the Government introduces them into evidence,
16 I may again request the coercion and duress instruction.

17 THE COURT: All right. I'm going put a pin in that
18 issue and discuss it further in just a few moments, but I want
19 to handle at least one pressing matter, and that is the issue
20 of the Defendant's clothes for trial.

21 Have any arrangements been made to have Mr. Saunders
22 in civilian clothing, Mr. Roth?

23 MR. ROTH: No, Your Honor. I actually thought that
24 he had civilian clothing, so I'm surprised that he's not in
25 those clothes.

1 THE COURT: Well, the Marshal Service kindly found
2 this shirt and tie downstairs, so in just a few moments, we
3 will take a five minute recess, Mr. Saunders, so you can put on
4 this shirt, assuming that you would like to. I don't want to
5 force you to wear anything, but I would recommend that you
6 change into the shirt.

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: All right. Let's just then take a five
9 minute break so he can change appropriately on his own, and
10 then I will return to the bench in five minutes.

11 MR. ROTH: Thank you, Judge.

12 (Recess was had at 8:52 a.m.; and the proceedings
13 resumed at 8:57 a.m.)

14 THE COURTROOM DEPUTY: All rise.

15 THE COURT: Okay, thank you, you may be seated.

16 Thank you again to the Marshal Service for getting
17 those civilian clothes. I do want to note for the record the
18 Defendant is now in civilian clothes.

19 Anything else to discuss, Mr. Roth, with respect to
20 that issue?

21 MR. ROTH: No, we appreciate that, Judge. Thank you.

22 THE COURT: Okay. So if you are going to be changing
23 locations, that's fine in terms of where at counsel table you
24 sit, just, Mr. Roth, please make sure you are close enough to
25 that microphone so we can hear you.

1 Mr. McMillan?

2 MR. McMILLAN: Yes, Your Honor. And I also want to
3 explain regarding the issue of clothes, I think it is probably
4 obvious, but Special Agent Woodbury just had shoulder surgery
5 the week before last, and so he unfortunately can't put on a
6 jacket. He is able to go and move his arm, in fact, the doctor
7 wants him to take the splint device off occasionally, so he is
8 supposed to keep it on, I just wanted to explain that's why he
9 doesn't have a jacket on.

10 THE COURT: That's fine, thank you, thank you.

11 So the matter of the Defendant's attire is resolved,
12 let's now turn to some of these logistical issues.

13 First of all, Mr. McMillan, do you still estimate the
14 trial taking three days as indicated in your trial estimate
15 accompanying the indictment?

16 MR. McMILLAN: Your Honor, I think that thanks to the
17 stipulations that we have arrived at with the Defense, I can
18 abbreviate that to two days, that's assuming that we select a
19 jury this morning, more or less, and we have got, I think,
20 seven witnesses. There are really only two that will be
21 somewhat lengthy.

22 It's even conceivable that we could possibly finish
23 our case in chief today, but that's probably a bit
24 overoptimistic, but I don't think it will go beyond three days,
25 and that would be inclusive of the jury deliberations which

1 are, of course, impossible to completely perceive.

2 THE COURT: Okay, thank you.

3 Mr. Roth, is that two to three day estimate
4 consistent with your vision of the trial?

5 MR. ROTH: It is, Judge.

6 THE COURT: Okay. Now, in terms of Government
7 witnesses, I did note there were nine individuals listed on the
8 Government's witness list at docket entry 35, which two are you
9 no longer intending to call, Mr. McMillan?

10 MR. McMILLAN: Your Honor, Michael Libasci, they are
11 both towards the end of the list, Your Honor, he is third from
12 the bottom.

13 THE COURT: Okay.

14 MR. McMILLAN: And Justin Discenza, they basically --
15 the other witnesses can testify about what they can, so...

16 THE COURT: Understood, okay.

17 At this point, Mr. Roth, do you anticipate any
18 Defense witnesses?

19 MR. ROTH: No, Your Honor.

20 THE COURT: Okay. Now, do you anticipate any Defense
21 exhibits, Mr. Roth?

22 MR. ROTH: Not at this point, no.

23 THE COURT: Okay, all right. So we will advise the
24 jury that this is estimated to take three days, I think that
25 will be sufficient given the parties' representations.

1 How much time do you want for opening statement,
2 Mr. McMillan?

3 MR. McMILLAN: I would request 40 minutes, Your
4 Honor.

5 THE COURT: Mr. Roth, how much time would you like?

6 MR. ROTH: I won't need that long, I don't think my
7 opening will be more than 30 minutes.

8 THE COURT: All right. We are going to go with 35
9 minutes per side, I will give each attorney a five minute
10 warning.

11 MR. McMILLAN: Thank you, Your Honor.

12 THE COURT: As far as scheduling is concerned, we
13 will run today from now until 5:30; tomorrow, however, I have a
14 criminal hearing in the morning at 8:30, so trial won't begin
15 tomorrow until 9:30, so please plan accordingly.

16 With respect to the charge conference, I intend to do
17 that tomorrow around 5:00 o'clock, so we will break early from
18 trial to accomplish that.

19 Any questions about timing or schedules,
20 Mr. McMillan?

21 MR. McMILLAN: No, Your Honor, although I would
22 anticipate that worst possible case scenario, the Government
23 should finish its case in chief tomorrow morning.

24 THE COURT: All right. We may then need to push up
25 the charge conference, depending on the speed at which we

1 proceed. So that's a tentative schedule, I guess, and I will
2 advise the parties if the time for that has changed.

3 Mr. Roth?

4 MR. ROTH: That works for me, Judge. I have nothing
5 to do but to be at this trial.

6 THE COURT: All right, excellent. Thank you,
7 Mr. Roth.

8 Okay. Now, I didn't see any proposed voir dire
9 questions submitted by either side. My general practice is to
10 permit each attorney about ten minutes of attorney conducted
11 voir dire, so long as I have an opportunity to screen the
12 questions; that is, assuming you wish to ask brand new
13 questions, otherwise specific follow-up of particular jurors is
14 appropriate.

15 Any thoughts, Mr. McMillan, on what your plan is or
16 desire with respect to voir dire?

17 MR. McMILLAN: Your Honor, other than to ask the
18 Court -- excuse me, ask the jurors whether any of them don't
19 believe the immigration laws of the United States should be
20 enforced, I don't really have any additional voir dire
21 questions that are not part of my understanding of this Court's
22 standard schedule of questions for all grand jury -- all jury
23 panels.

24 I understand that the Court is already going to ask
25 them if they have any deeply held religious or philosophical

1 beliefs that would keep them from standing in judgment of
2 another, if I understood correctly from my other AUSA
3 colleagues who have had trials before Your Honor, so it didn't
4 seem necessary to go and ask the Court to add that.

5 THE COURT: So your question about immigration laws
6 is permissible given the nature of the case and the charges.

7 Mr. Roth, do you have any anticipated questions?

8 MR. ROTH: If Mr. McMillan asks about that, I would
9 probably ask a follow-up question, but that's really all I can
10 think of.

11 THE COURT: All right. And what would your follow-up
12 question be?

13 MR. ROTH: Well, I think the Government phrased the
14 question whether people have issues with the enforcement of
15 U.S. immigration laws, and I would ask the follow-up question
16 to see if anyone has any deeply felt hostility towards
17 immigration.

18 THE COURT: So we are going to play this by ear. I
19 am going to cover the nature of the offenses and inquire of the
20 panel and whether hearing the nature of the offenses causes
21 them to question their ability to be fair and impartial, so
22 from there, we will see to what extent this line of questioning
23 is appropriate.

24 I do think some is, but of course, I don't want to
25 get too far afield from the nature of the charges here. So I

1 will permit some latitude, again, within the ten-minute
2 allotment, but I caution the attorneys not to stir things up
3 unnecessarily.

4 Any questions on that issue, Mr. McMillan?

5 MR. McMILLAN: No, Your Honor.

6 Did I understand correctly, though, that the Court
7 already asks the question as to whether anyone has any deeply
8 held religious or philosophical beliefs that would prevent them
9 from sitting in judgment of another?

10 THE COURT: Not exactly worded in the way you
11 describe, but you will see that my questions do, I think,
12 thoroughly target the jurors' ability to be fair and impartial.
13 If you want to ask the question in a bit different way, as you
14 suggested, I don't see a problem with that.

15 MR. McMILLAN: Thank you, Your Honor.

16 THE COURT: Okay. Ten minutes per side for attorney
17 conducted voir dire, I'm going to ask each side to read out
18 loud the names of the prospective witnesses in this trial.

19 Mr. Roth, hearing that you don't, at this point,
20 anticipate any witnesses, would you like the Court to ask that
21 question of you, or just ask the question to the Government?

22 MR. ROTH: I would prefer that the question only be
23 directed to the Government.

24 THE COURT: Okay, then that is what I'll do.

25 MR. McMILLAN: I'm sorry, Your Honor, what question

1 was that?

2 THE COURT: Just the standard opportunity for the
3 attorneys to read out loud to the jurors the names of the
4 potential witnesses.

5 MR. McMILLAN: Thank you, Your Honor.

6 THE COURT: Thank you.

7 MR. McMILLAN: Will do.

8 THE COURT: All right, this requested redacted
9 recording instruction, Mr. McMillan, it will be up to you, of
10 course, to remind the Court when you think the reading of this
11 contemporaneous instruction is warranted.

12 MR. McMILLAN: Just to alert the Court somewhat in
13 advance, that would be during Special Agent Woodbury's
14 testimony, and I will alert the Court specifically then, but it
15 wouldn't be until then.

16 THE COURT: Okay. Who is your first witness for
17 today?

18 MR. McMILLAN: That would be special Agent Ojeda,
19 Anthony Ojeda.

20 THE COURT: Okay. Now, are your witnesses, I
21 presume, lined up to be here?

22 MR. McMILLAN: Yes, Your Honor.

23 THE COURT: Okay.

24 MR. McMILLAN: It's my understanding that typically,
25 the jury selection should go to about lunchtime. Ojeda will be

1 here when we start, in addition to which the other witness who
2 is in custody will be here in the early morning, so --

3 THE COURT: All right.

4 MR. McMILLAN: -- I'll be ready, Your Honor, yes.

5 THE COURT: All right. Now, on the subject of
6 transcripts, which I know was one of the reasons you sought a
7 continuance, do you have paper copies of any transcripts to
8 hand out to the jurors?

9 MR. McMILLAN: We do, Your Honor, yes. We have 25
10 copies of each of them. So we have for the jurors and for Your
11 Honor, the court staff and for the Defense, and I've already
12 shared those with Defense Counsel, we worked tirelessly with
13 one another to go and make sure we have a copy both sides are
14 satisfied with.

15 THE COURT: Excellent. Mr. Roth, anything to discuss
16 on the subject of transcripts?

17 MR. ROTH: I have reviewed the transcripts, I believe
18 they are as accurate as possible.

19 THE COURT: Okay. Now, I know you said you reached
20 some stipulations, what is the procedure you propose,
21 Mr. McMillan, for handling the stipulations?

22 MR. McMILLAN: With respect to the main stipulation,
23 Your Honor, probably at the beginning of the Government's case
24 in chief, we would go and introduce that exhibit. Does the
25 Court want the number now?

1 Oh, an incidentally, I need to get the original from
2 Defense Counsel.

3 MR. ROTH: I have it.

4 MR. McMILLAN: We have a signed copy, but the
5 original is in Defense Counsel's possession.

6 THE COURT: Okay.

7 MR. McMILLAN: It is Government's Exhibit 16, Your
8 Honor, and we would probably propose to introduce that at the
9 beginning of the Government's case in chief.

10 THE COURT: All right. Mr. Roth, any objection to
11 reading out loud that stipulation --

12 MR. ROTH: No, Judge.

13 THE COURT: -- at the beginning?

14 Okay. So that stipulation has been executed and
15 finalized, Mr. McMillan?

16 MR. McMILLAN: It has, Your Honor -- well, it will be
17 when I sign it.

18 THE COURT: Mr. Roth?

19 MR. ROTH: Yes, we have signed the stipulation.

20 THE WITNESS: Okay, all right.

21 Okay. It is now 9:10, do we have the questionnaires?

22 MR. McMILLAN: Yes, Your Honor.

23 THE COURTROOM DEPUTY: They have them, Your Honor,
24 and then you have yours.

25 THE COURT: Have they been distributed?

1 MR. McMILLAN: Yes.

2 THE COURT: Okay, all right. So you all have been
3 given the questionnaires for the prospective jurors, I will
4 give you about ten minutes to review them in just a moment.

5 Having confirmed there are no outstanding issues with
6 transcripts or stipulations and that we have copies of
7 transcripts for the jurors, let me turn now to the issue of
8 exhibits.

9 Are there any Government exhibits as to which the
10 Defense has no objection; and therefore, to permit
11 pre-admission, so to speak, of these exhibits, Mr. Roth?

12 MR. ROTH: Judge, I'm just pulling out the exhibit
13 list right now.

14 On page one, I'm not going to have any objections.

15 Page two, I'm not objecting.

16 THE COURT: Okay. One moment, let's orient ourselves
17 to the docket entry, which is docket entry 34.

18 Mr. McMillan, is this the most current exhibit list
19 filed by the Government?

20 I know you said there was one more at the end, but in
21 terms of filings on the docket is this the only one, docket
22 entry 34?

23 MR. McMILLAN: It is the only one on the docket, Your
24 Honor, but this is not the same version that was docketed.

25 THE COURT: I'm very confused.

1 MR. McMILLAN: Well, Your Honor had us docket an
2 exhibit list by -- I think it was the 28th, there were a number
3 of additional exhibits that were added to the list after that,
4 which I provided to chambers and Defense Counsel, I was not
5 instructed to docket each one of those separately, so --

6 THE COURT: No, no, no, I don't mean the individual
7 exhibits, I mean just the exhibit list.

8 Is there a new exhibit list because this is the
9 document that I will use to keep track of admitted exhibits
10 during the trial, so I just need to know what is the most
11 current updated list of exhibits distributed by the Government.

12 MR. McMILLAN: Your Honor has the most current
13 exhibit list, as does Defense Counsel. It goes up to
14 Government Exhibit 121 in the typed version, and 122 was the
15 only addition to that, which I mentioned to Your Honor this
16 morning. It should be photo of helm of the vessel.

17 THE COURT: All right. I need a copy of this --

18 MR. McMILLAN: Certainly, Your Honor.

19 THE COURT: -- exhibit list, because the only one I
20 have is the one on the docket, 34.

21 MR. McMILLAN: I have lots of extra copies, Your
22 Honor. How many would the Court like, Your Honor; three?

23 THE COURT: Yes.

24 MR. McMILLAN: I'll give Defense Counsel another
25 copy, he has his electronically.

1 MR. ROTH: I have it, thank you, though.

2 Judge, I can simplify things. I'm looking at the
3 same exhibit list Mr. McMillan is referencing and now Your
4 Honor is, and I have been through the entire exhibit list and
5 the only exhibits that I will be objecting to are listed on
6 page five, 117 and 118.

7 Those are screenshots of the text messages and a
8 program on the Defendant's phone, but if the Court agrees with
9 the Government and admits those, then I'll be --

10 THE COURT: Okay. But other than Government Exhibits
11 117 and 118, am I understanding correctly, Mr. Roth, that you
12 have no objection to admission of Government Exhibits 1
13 through 121, minus, as you said, 117 and 118?

14 MR. ROTH: Yes, that's correct, Judge.

15 THE COURT: Okay. All right. I'm going to take a
16 closer look at these one final time, make sure there are no
17 issues I spot prior to admitting them without objection, and
18 then we will proceed.

19 At this point, it's 9:15, I'm going to recess until
20 9:25 to give each side enough time to review those
21 questionnaires and then we will get started.

22 Anything further before we take this break,
23 Mr. McMillan?

24 MR. McMILLAN: No, Your Honor.

25 THE COURT: Mr. Roth?

1 MR. ROTH: No, Your Honor.

2 THE COURT: We are in recess until 9:25.

3 (Recess was had at 9:16 a.m.; and the proceedings

4 Resumed at 9:27 a.m.)

5 THE COURT: Thank you, all right. The jurors -- you
6 may be seated, thank you. The jurors are waiting outside.

7 Mr. Roth, anything to raise before we bring them in?

8 MR. ROTH: No, Judge.

9 THE COURT: Okay. Anything from the Government?

10 MR. McMILLAN: No, Your Honor.

11 THE COURT: Okay. Now, I'll go over some of this
12 when we meet again to select the jury, but obviously, there
13 will be the standard peremptories allotted under the federal
14 rules; that is ten to the Defendant, six to the Government, and
15 one for the selection of alternates, we will be choosing two.
16 You are not permitted to save unused peremptories for the use
17 of peremptories as to alternates, and of course, no back
18 strikes are permitted under any circumstances.

19 Any questions with respect to the Court's practice of
20 selecting a jury, Mr. McMillan?

21 MR. McMILLAN: No, Your Honor.

22 THE COURT: Mr. Roth?

23 MR. ROTH: No, Your Honor.

24 THE COURT: Okay. All right, let's call the jurors
25 in then.

1 THE COURTROOM DEPUTY: Yes, Your Honor.

2 (Venire panel entered the courtroom at 9:28 a.m.)

3 THE COURT: All rise for the jurors.

4 Ms. Cassisi, can we arrange some chairs, please, for
5 them. Thank you.

6 (Pause in the proceedings.)

7 THE COURT: All right. Good morning ladies and
8 gentlemen. Everyone may be seated. If there is anybody in the
9 back that is uncomfortable and wishes to use one of these two
10 chairs, you may do so, and there are two, I think, right in
11 front of the gallery. I want to make sure everybody is
12 comfortable.

13 Ladies and gentlemen, my name is Aileen Cannon, I'm a
14 United States District Judge for the Southern District of
15 Florida, and I want to welcome you wholeheartedly to the
16 federal courthouse here in Fort Pierce. I will be presiding
17 over this case.

18 Before we begin, I want to extend my sincere
19 gratitude to all of you for being here on behalf of myself, the
20 entire Southern District of Florida, and the parties in this
21 case.

22 The right to a trial by jury is a cherished right in
23 our constitutional democracy, it is recognized, preserved and
24 protected by our United States Constitution and it is one of
25 the most important duties that a citizen is called upon to

1 perform. Our framework permits litigants to select members of
2 their community to decide the outcome of a case that ends up in
3 court, and your role is truly indispensable to that system. So
4 although I can imagine that some of you are not thrilled at the
5 prospect of taking time out of your daily lives to be here with
6 us today, I want to stress just how important jury service is
7 to our system of laws, and thank you again for your service.

8 I also assume that at least for some of you, this is
9 your first call to jury duty and these proceedings may feel a
10 bit unfamiliar to you. Please do not feel apprehensive or
11 inadequate at all. As we go along, the Court and the parties
12 will familiarize you with the proceedings and further instruct
13 you as to what your role specifically will be.

14 First things first, I'm going to introduce you to our
15 court personnel and their respective duties. We have our
16 courtroom deputy, whom you have met, Ms. Cassisi, she is here
17 to assist us with coordinating the day-to-day operation of the
18 court. We also have with us this week Ms. Marisa Nicado
19 (phoentic) from the clerk's office to assist in that service as
20 well.

21 Right in front of me, we have our court reporter,
22 Ms. Diane Miller, she is taking down and transcribing every
23 word that is said in this courtroom, including everything that
24 I am saying right now, so it is very important, and I ask all
25 of you to speak as clearly and as slowly as you can for the

1 benefit of Ms. Miller as she helps us with this case.

2 To make her job easier, each of you has been given a
3 paddle with a number on it, that will help the Court and the
4 parties keep things organized and orderly, so when you are
5 asked to speak, I would urge you to please show your paddle
6 forward facing so we can all determine your juror number for
7 the record.

8 We also have our court security officer with us
9 today, he will be enforcing the Court's orders and taking
10 charge of the jury. If you need information concerning your
11 personal welfare, please ask the court security officer or
12 Ms. Cassisi or Ms. Nicado, they will try to assist you, but
13 please do not question any of them about the subject matter of
14 the case being presented.

15 All right. Now that we have that out of the way,
16 let's have the jurors sworn in.

17 (Venire panel duly sworn.)

18 VOIR DIRE BY THE COURT

19 THE COURT: Ll right, thank you. You may be seated.

20 Now, as Ms. Cassisi just alluded to, I will be asking
21 questions of the panel, touching on your qualifications to
22 serve as jurors in this case and then a bit later, the
23 attorneys will be given a brief period of time to ask questions
24 of you as well.

25 This whole part of the process is known as voir dire

1 examination, and voir dire is simply a Latin phrase or legal
2 phrase that means essentially to speak the truth, which fairly
3 captures the purpose of this examination; and of course, that
4 is to select a jury that is fair and impartial, that will
5 follow the law, and that will evaluate the issues in this case
6 based solely upon the evidence presented in the courtroom and
7 the law as it is instructed without being influenced by any
8 other factors.

9 In service of that goal, we have to determine if your
10 decision in this case would be influenced by opinions that you
11 now hold or by some personal experience or special knowledge
12 that you may have concerning the case to be tried.

13 In many ways, this portion of the trial is the most
14 important as we are about to pick the judges of the facts of
15 the case. I may bear the title of Judge, but I will not decide
16 the outcome. My role is see to it that the rules of the
17 courtroom are followed, but it is the jurors that serve as
18 judges of the facts.

19 Now, this questioning does take time, so I ask for
20 your patience in advance. Please also understand that this
21 questioning is not intended in any way to pry into your
22 personal affairs, it's simply intended to select an impartial
23 and fair jury.

24 If for any reason, however, an area of questioning
25 makes you feel uncomfortable and you would prefer to speak to

1 the Court and to the attorneys in private, outside the presence
2 of your fellow panel members, please do not hesitate to make
3 that known, and we will accommodate that request. Of course,
4 the only right answer is the truth, so please be candid and
5 complete in your responses.

6 And at the conclusion of this jury selection process,
7 if you are not selected to serve on this jury, please don't
8 feel offended or feel that your integrity has been questioned
9 in any way; it hasn't. Either side can ask to excuse a juror
10 without giving a reason and some persons are better suited to
11 sit on one jury rather than another, that is all.

12 So now why are we here? This is a criminal case, not
13 a civil case. I want to make that clear from the beginning, we
14 are here because an indictment has been filed informing this
15 Defendant that he is accused of certain crimes that I will
16 explain to ypu in more detail in a few moments.

17 The indictment is not evidence, it is simply an
18 accusation and the Defendant has responded to the indictment by
19 saying the words, I'm not guilty. So it is the Government's
20 burden to prove beyond a reasonable doubt that the Defendant is
21 guilty, and that is what you are here to determine.

22 I'm going to go over these important concepts with
23 you in a few minutes, but to give you a very brief description
24 of the allegations in this case, the indictment alleges that
25 the Defendant committed 76 individual counts of alien smuggling

1 for commercial gain and private financial gain by bringing in
2 or attempting to bring in 76 aliens, knowing and in reckless
3 disregard of the fact that such aliens had not received prior
4 official authorization to enter the United States.

5 The indictment also alleges two other counts against
6 the Defendant, one for illegally reentering this country after
7 previously being removed and a final count for knowingly aiding
8 and assisting an alien to enter the United States, that alien
9 having previously been convicted of an aggravated felony.

10 Now, I will also, of course, commence the trial by
11 identifying the name of the Defendant in this case. His name
12 is Raymond Saunders, and he is seated over there next to his
13 attorney, Mr. Roth.

14 Each side will introduce themselves to you in just a
15 moment, but based on what I have said at this point, do any of
16 the jurors believe they have any personal knowledge about the
17 particular facts in this case? If you do, please raise you're
18 hand.

19 All right. I see no hands.

20 Now with that, I'm going to ask each side to
21 introduce themselves, starting with the Government.

22 MR. McMILLAN: May it please the Court.

23 Good morning, ladies and gentlemen, my name is John
24 McMillan, and I'm an Assistant United States Attorney in the
25 Southern District of Florida, and I'm joined here by the case

1 agent in this matter. This is Special Agent Joshua Woodbury of
2 the Department of Homeland Security Investigations. He will
3 explain what that is later on in the trial.

4 Thank you.

5 THE COURT: Thank you.

6 Mr. Roth.

7 MR. ROTH: May it please the Court.

8 Ladies and gentlemen, good morning. My name is
9 Martin Roth, I'm a lawyer and I represent Raymond Saunders, he
10 is standing right here with me at defense table.

11 Thank you.

12 THE COURT: Thank you, you may be seated.

13 Now, does anybody here know any of the individuals
14 who just introduced themselves to you? If you do, please raise
15 you're hand.

16 All right. I see no hands.

17 Now, I'm going to ask the Government right now to
18 read out loud the names of potential witnesses it intends to
19 call during this trial.

20 Mr. McMillan.

21 Before you get started, Mr. McMillan, I'm going to
22 ask the prospective jurors to please listen very carefully
23 because I will ask if any of you know any of the names read by
24 Mr. McMillan.

25 MR. McMILLAN: Thank you, Your Honor. The first one

1 is one you have met already, that's Special Agent Josh Woodbury
2 from Homeland Security Investigations, or HSI.

3 The second witness is Ronald Anderson, that's
4 A-N-D-E-R-S-O-N, who is an officer with U.S. Immigration
5 Customs Enforcement, or what is commonly called ICE.

6 The third one is Clayton Kimball, and that's
7 C-L-A-Y-T-O-N, last name is K-I-M-B-A-L-L. He is an agent with
8 U.S. Customs and Border Protection, or CBP, Air and Marine
9 Operations, or what we commonly call AMO.

10 We also have Jason Dimart, that's J-A-S-O-N,
11 D-I-M-A-R-T, he is an agent, also with Customs and Border
12 Protection Air and Marine Operations.

13 James Holloran, his last name is spelled
14 H-O-L-L-O-R-A-N, he is a deputy sheriff with the Martin County
15 Sheriff's Office. Then we have Anthony Ojeda, and his last
16 name is spelled O-J-E-D-A, he is a special agent, also with
17 Homeland Security Investigations or HSI; and then finally we
18 have a witness Carlos Rodriguez-Rodriguez, a cooperating
19 witness in this case, and he is originally from the Dominican
20 Republic and was living in the Bahamas prior to this case.

21 Those are the witnesses, Your Honor.

22 THE COURT: Thank you, Mr. McMillan.

23 Does anybody here recognize any of the witness names
24 just read to you?

25 All right, I see no hands.

1 Now, has anybody here had any relationship or
2 connection with any of the individuals whose names were just
3 read?

4 Again, no hands.

5 Now, this case, from a scheduling perspective, is
6 expected to last approximately three days, starting today. The
7 Court's schedule generally runs from approximately 9:00 in the
8 morning until 5:30 in the evening.

9 Is there anybody here who has a special problem with
10 this anticipated schedule, such that it would make it uniquely
11 difficult for you to serve on this jury, and what I'm referring
12 to are things such as nonrefundable airline tickets or a
13 scheduled surgery?

14 Does anybody here have a special or unique problem
15 with the Court's schedule, as I have indicated?

16 I see no hands.

17 Does anybody here have any difficulty reading or
18 speaking the English language?

19 I see no hands.

20 Does anybody here have any physical disabilities or
21 impairments, hearing, sight or otherwise, that would render you
22 incapable of performing your duty as a juror?

23 No hands.

24 Now, as I said earlier, we are here today because an
25 indictment was filed informing the Defendant that he is accused

1 of various crimes, and he is called upon to respond to that
2 indictment. As I said, though, the indictment is not evidence
3 and the Defendant in this case responded to the accusations
4 contained in the indictment by saying the words, I am not
5 guilty, and those words carry a great deal of weight because we
6 are now beginning a jury trial where the Government is required
7 to prove beyond a reasonable doubt that the Defendant is guilty
8 before he may be found guilty.

9 The fact that an indictment exists, therefore, does
10 not mean that what it alleges actually happened. That is what
11 you are here to determine, and that is what the Government must
12 prove to you beyond a reasonable doubt.

13 Now, as I alluded to earlier, there are several
14 concepts that I would like to discuss with you, and these
15 principles really do lie at the heart of our criminal justice
16 system and they are, number one, the presumption of innocence;
17 number two, the Government's burden of proof; and number three,
18 the Defendant's right to remain silent.

19 How many of you in this courtroom, just by a show of
20 hands, have heard of a Defendant's presumption of innocence?

21 All right. I see various hands coming up.

22 Again, the indictment in a criminal case is merely
23 the accusatory paper which states the charge or the charges to
24 be determined at the trial, but it is not evidence against the
25 Defendant or anyone else; and indeed, the Defendant has said he

1 is not guilty, so the law presumes him to be innocent.

2 Every person charged with a crime in this country is
3 presumed innocent, that right is guaranteed by our
4 constitution. In fact, if we were to send all of you to the
5 jury deliberation room to render a verdict at this time, right
6 now, the only verdict that you could render is not guilty.

7 Do any of you have any difficulty accepting that
8 proposition as the law?

9 I see no hands.

10 Now the burden of proving the Defendant's guilt rests
11 with his accuser, which in this case is the United States
12 Government, and the burden is to prove the charges beyond a
13 reasonable doubt.

14 Now, I'm going to read to you the instruction that I
15 will give to the selected jury at the conclusion of the trial,
16 it pertains to the definition of reasonable doubt, and I quote,
17 "The Government's burden of proof is heavy, but it doesn't have
18 to prove a defendant's guilt beyond all possible doubt. The
19 Government's proof only has to exclude any reasonable doubt
20 concerning the Defendant's guilt."

21 "A reasonable doubt is a real doubt, based on your
22 reason and common sense after you have carefully and
23 impartially considered all of the evidence in the case. Proof
24 beyond a reasonable doubt is proof so convincing that you would
25 be willing to rely and act on it without hesitation in the most

1 important of your own affairs."

2 Now, having read that instruction out loud, does
3 anybody here have any difficulty accepting that instruction as
4 the law?

5 I see no hands.

6 Now, along the same lines, the Government has the
7 entire burden of proof and that means there is nothing leftover
8 for the Defense, there is nothing for the Defendant to prove to
9 you or disprove to you.

10 Does anybody have any difficulty or hesitation
11 accepting that principle as the law?

12 No hands.

13 Now, by a show of hands, how many of you have heard
14 of a Defendant's right to remain silent? Don't be shy.

15 All right, I see a lot of hands.

16 As I have said before, the law does not require the
17 Defendant to prove his innocence or to provide any evidence at
18 all, and if the Defendant elects not to testify, you cannot
19 consider that in any way during your deliberations.

20 The Government bears the burden to prove a
21 Defendant's guilt beyond a reasonable doubt, and if it fails to
22 do so, you must find that the Defendant is not guilty.

23 Does anybody have any difficulty accepting these
24 principles that I have just outlined?

25 All right, I see no hands.

1 Now, continuing on, if a Defendant does not testify,
2 again, you cannot hold it against him. Let me give you an
3 example of how this might play out. Let's say the case is
4 over, you go back in the jury room and you don't believe the
5 Government has proven its case beyond and to the exclusion of a
6 reasonable doubt. At that point, you cannot say to yourself or
7 to your fellow jurors, Well, I don't believe the Government has
8 proven its case, but I'm going to find the Defendant guilty
9 anyway because he didn't testify; you cannot do that, you
10 cannot hold it against him.

11 Does anybody feel that they would not be able to
12 follow the law as relates to the Defendant's right to remain
13 silent?

14 I see no hands.

15 Now, do you all understand that as jurors, you will
16 be required to judge the testimony of witnesses and you can
17 just nod you're head if you understand that concept?

18 Okay. I'll ask some questions about this.

19 To do this, to engage in this credibility
20 determination of witnesses, you must use certain common sense
21 guidelines. Now, of course, you all communicate, as we do with
22 people every day, and each time you communicate with someone,
23 you make a determination about whether the person who is
24 speaking to you is being sincere and accurate about what he or
25 she is saying. Those same common sense guidelines are the

1 guidelines you are going to be required to use to judge the
2 credibility, sincerity and accuracy of the witnesses that are
3 going to be brought before you, regardless of the witness's
4 profession.

5 Now, to reach a verdict, you may have to decide which
6 testimony to believe and which testimony not to believe and
7 when you are considering a witness's testimony, you may
8 consider various factors, including the witness's opportunity
9 and ability to see, hear or know the things the witness is
10 testifying about; the witness's memory; the witness's manner
11 while testifying; any interest the witness has in the outcome
12 of the case; any other evidence that contradicts the witness's
13 testimony; and the reasonableness of the witness's testimony in
14 light of all of the evidence; and, of course, any other factors
15 affecting believability.

16 Do any of you here feel that you would be unable to
17 evaluate the credibility of witnesses as you are hearing
18 evidence in this case?

19 I see no hands.

20 Now, sticking here with the topic of credibility, you
21 may be hearing, as the Government indicated, from law
22 enforcement agents or officers in this case. The common sense
23 guidelines that I have just gone over with you in terms of
24 judging a witness's credibility are the ones you need to apply
25 to every witness, regardless of that witness's profession;

1 therefore, you should judge the credibility as you would that
2 of any other witness, but I would like to discuss law
3 enforcement witnesses with you for a moment.

4 Does anybody here have any particularly negative or
5 positive feelings toward law enforcement that you simply would
6 not be able to put aside if selected to serve on this jury?

7 I see no hands.

8 Now, does anybody here think that you would find a
9 law enforcement officer more or less credible just because of
10 their employment?

11 I see no hands.

12 Now, you have heard what I have described are the
13 charges in this case. The Government alleges that the
14 Defendant committed various crimes of alien smuggling, as I
15 described them to you earlier, along with the offense of
16 illegal reentry and the offense of bringing an aggravated felon
17 into the country.

18 Having heard the general nature of those offenses as
19 alleged in the indictment, which as I said is not evidence,
20 it's simply an accusation, is there anything about the nature
21 of those charges themselves that anybody feels would make it
22 impossible or difficult for them to serve on this jury?

23 I see no hands.

24 Now, relatedly, does anybody here have any deeply
25 held philosophical or religious beliefs that preclude them from

1 being a fair and impartial juror in this case?

2 I see no hands.

3 Now, I'm going to address the concepts of sympathy
4 and prejudice for a moment. Sometimes we feel sorry for people
5 in difficult situations and unfortunately, sometimes we also
6 can feel prejudice, but neither sympathy or prejudice can
7 factor into your deliberations in any way. You are the judges
8 of the facts, if you allow emotions to cloud your decision
9 making, you will not be fulfilling your responsibilities.

10 Is there anybody here who cannot put feelings aside
11 or who cannot sit in judgment of others?

12 I see two hands.

13 Officer Kaufflin, if you could please start with the
14 gentleman at the end. There is also a hand in the back, and we
15 will go one by one.

16 Yes, sir. If you could please stand up, show me your
17 paddle number, and the question I asked was, is there anybody
18 here who cannot put their feelings aside or who cannot sit in
19 judgment of others, what would you like to share with us, sir?

20 PROSPECTIVE JUROR: I just don't think I have a right
21 to judge somebody.

22 THE COURT: That belief, sir, that you hold, do you
23 think you would be able to put it aside, if chosen to serve as
24 a juror?

25 PROSPECTIVE JUROR: I don't think so.

1 THE COURT: Thank you, you may be seated, Juror
2 Number 1. That was Juror Number 1, for the record.

3 I think there was another one, Officer, if you don't
4 mind, the lady here in the front.

5 Please stand up and tell me your name and juror
6 number.

7 PROSPECTIVE JUROR: Number 7.

8 THE COURT: One moment, ma'am.

9 All right. Good morning, please tell me your name.

10 PROSPECTIVE JUROR: Sandra Morris-Clarke.

11 THE COURT: Juror Number 7., what would you like to
12 share with us, ma'am?

13 PROSPECTIVE JUROR: I don't think I could do it. I
14 feel like I would be putting away someone that may be innocent
15 and I'll be too emotional and --

16 THE COURT: Have you ever served on a jury before,
17 ma'am?

18 PROSPECTIVE JUROR: No. And actually, I'm scared of
19 being in here, I'm very nervous.

20 THE COURT: I understand.

21 PROSPECTIVE JUROR: I'm sorry.

22 THE COURT: That's okay. As I said, the only right
23 answer is the truth, so I want you to be candid and complete,
24 and I appreciate your candor.

25 These emotions that you share or have and these

1 feelings that you have, do you think you would be able to put
2 them aside if chosen to serve?

3 PROSPECTIVE JUROR: I can't, sorry.

4 THE COURT: Thank you, you may be seated.

5 Now, there is a juror in the back left.

6 Good morning. Please tell me your name and juror
7 number.

8 PROSPECTIVE JUROR: Twenty-six, Liana Fraser.

9 THE COURT: Good morning, ma'am.

10 PROSPECTIVE JUROR: Good morning. I'm a nurse, so my
11 job is to take care of everyone and be compassionate and I
12 don't think I'm able to put aside my feelings if that gets in
13 the way with the decisions.

14 THE COURT: Now, of course each case is judged on the
15 facts presented and the evidence in the courtroom, and you
16 would be instructed to consider only the evidence presented in
17 the courtroom. Having said that, do you still feel as if you
18 wouldn't be able to set aside the general compassionate nature
19 that you have as a medical professional?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: All right. You may be seated, Juror
22 Number 26, thank you.

23 Any other jurors who feel they would be unable to set
24 aside their emotions if called upon to serve on this jury?

25 I see one additional hand in the back.

1 Good morning. Please tell me your name and your
2 juror number.

3 PROSPECTIVE JUROR: I'm Maria Demott.

4 THE COURT: And your juror number?

5 PROSPECTIVE JUROR: Twenty-nine.

6 THE COURT: Thank you. Good morning.

7 PROSPECTIVE JUROR: I guess I just have -- I know a
8 lot -- being the case that it's bringing people in illegally,
9 and I have -- I know a lot of people who are trying their best
10 to come here and trying to get education just to come here and
11 still have a difficult time, and then having people come here,
12 helping them to come illegally. And I don't know if you said
13 earlier, Judge, that the Defendant was already arrested before,
14 was that him or one of the people he has brought in?

15 You said something like that.

16 THE COURT: One of the charges in this case concerns
17 bringing in an alien who previously committed a felony.

18 PROSPECTIVE JUROR: So it is not the Defendant
19 himself.

20 THE COURT: You may proceed.

21 PROSPECTIVE JUROR: Again, just thinking of those
22 people that I know who are trying to come in here and have been
23 waiting for years, it's just doesn't sit well with me. I mean,
24 I can always try, but I'm just being honest.

25 THE COURT: Thank you for your honesty, ma'am.

1 Now, as I said to some of your fellow jurors --
2 Please hand back the microphone to Juror Number 29.
3 -- if instructed by the Court to judge this case
4 based only on the evidence presented and the law, ma'am, do you
5 think you would be capable of doing that?

6 PROSPECTIVE JUROR: Well, as I said earlier, I can
7 try and, you know, have an open mind.

8 THE COURT: But are you having some doubts as to
9 whether you could?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: All right. Thank you, Juror Number 29,
12 you may be seated.

13 All right. Let's see, any other jurors who simply
14 could not set aside their personal beliefs or emotions and
15 evaluate this case base solely on the evidence and the law?

16 I think there is one additional juror in the back
17 raising her hand, Officer, if you could give her the
18 microphone, please.

19 Again, please stand up, let me know your name and
20 juror number.

21 PROSPECTIVE JUROR: Ledonia Bryan, Juror Number 42.

22 THE COURT: Good morning. How do you pronounce your
23 last name?

24 PROSPECTIVE JUROR: Bryan, B-R-Y-A-N.

25 THE COURT: What would you like to share with us?

1 PROSPECTIVE JUROR: I agree with juror -- I mean -- I
2 mean, I came here for a better life from Jamaica, got here,
3 became a citizen. I mean, everybody want to come here for a
4 better life, you know. That's my perspective.

5 THE COURT: I understand, ma'am. Would you be able
6 to set aside that perspective and evaluate this case based only
7 on the evidence presented in this courtroom and the law as it
8 is given to you by the Court?

9 PROSPECTIVE JUROR: No.

10 THE COURT: You need to speak up so that we can hear
11 your answer.

12 PROSPECTIVE JUROR: Oh, no.

13 THE COURT: Okay. All right, Ms. Bryan, you may be
14 seated.

15 I don't see any additional hands on this topic, so I
16 will move on to the next line of questioning.

17 Is there anybody here who feels they could not be
18 fair to both sides and hear the evidence in this case
19 objectively?

20 All right, no additional hands.

21 Now, you will be asked and instructed to disregard
22 the consequences of any verdict returned. Do not be concerned
23 with the imposition of any sentence, as that is the sole
24 province of the Judge, not the jury, does anybody here have any
25 difficulty accepting that as the law?

1 I see no hands.

2 Now, as jurors, you may disagree on what the evidence
3 has shown, one juror may believe one witness and not another or
4 you may believe part of what a witness says, but not another
5 part, and that is perfectly acceptable.

6 After you retire to the jury room, you must discuss
7 all of the facts and see if you can reach a unanimous verdict,
8 there is no room for doubt, however, concerning the law. The
9 law is what the Court instructs you it is, and you must be
10 willing to accept the law as it is presented to you.

11 Does everybody here -- does anybody here have any
12 difficulty following the law even if you disagree with it?

13 I see no hands.

14 Now, one final question before we get into some
15 individual questioning based on the questionnaires that you
16 prepared.

17 Does anybody here have any other reason why you could
18 not give this case your undivided attention and render an
19 impartial verdict based solely on the evidence presented to you
20 and the law as I instruct you?

21 I see no hands.

22 COURTROOM SECURITY OFFICER: You have one hand.

23 THE COURT: I see one gentleman in the back.

24 PROSPECTIVE JUROR: Juror Number 37.

25 THE COURT: Good morning, Mr. Sandel.

1 PROSPECTIVE JUROR: As a vocational minister, I have
2 a theological conviction that as a country, as richly blessed
3 as we are, I believe we should do everything in our power to
4 serve those who need refuge.

5 Just stating that fact of a conviction, I can follow
6 the law and there is a right way to walk through the paces to
7 do that. I think our system is incredibly flawed to do that
8 and to make it possible for people to enter into our country
9 safely and legally, but if not saying that, I think I would be
10 disingenuion (sic) moving forward, but I can set aside that.

11 THE COURT: Before you handoff the mic, I have some
12 follow-up. You said you're a vocational minister, how long
13 have you been serving in that role?

14 PROSPECTIVE JUROR: A decade, but I've been in
15 ministry 20 plus years.

16 THE COURT: Where do you serve as a minister?

17 PROSPECTIVE JUROR: In Sebring.

18 THE COURT: Now, you indicated some thoughts about
19 our system, but I think you also said that you could set those
20 aside and follow the law.

21 Are you sure, sir, that you can set aside your
22 personal beliefs about what you describe as our flawed system
23 in evaluating this case solely on the law as it is presented?

24 PROSPECTIVE JUROR: I do believe I can. I have never
25 been in this situation before, I don't know until I'm in that

1 situation, if that's enough reasonable doubt to strike me, but
2 I do want to serve the Court.

3 THE COURT: There may be some follow-up as we
4 proceed, but for now, Mr. Sandel, you may be seated.

5 PROSPECTIVE JUROR: Thank you.

6 THE COURT: I don't see any additional hands, I just
7 want to make sure. All right.

8 I'm going to go one by one with each of you, basing
9 my questions off the questionnaires. Again, if you feel
10 uncomfortable with any of the questions that are posed of you,
11 please request a personal visit and we will arrange for that
12 outside the presence of your fellow panel members.

13 As I said, the only right answer is the truth, so
14 please continue to be candid and complete with your answers,
15 and again, raise you're paddle number so that the record is
16 clear.

17 All right. Let's start first briefly with Juror
18 Number 1.

19 EXAMINATION

20 BY THE COURT:

21 Q If you could stand up, sir, and tell us your name and what
22 you do for work.

23 A Robert White, I'm a 32-year roofer.

24 Q Roofer, did you say?

25 A Yes, ma'am.

1 Q Have you held any other jobs outside of the roofing
2 industry?

3 A Well, I have when I was younger.

4 Q I'm sorry?

5 A I said when I was younger, I did; truck driving, furniture
6 building.

7 THE COURT: All right. That's all I have, sir.
8 Thank you very much.

9 EXAMINATION

10 BY THE COURT:

11 Q Juror Number 2, Ms. Lydia Elizabeth Miranda, if you can
12 please tell us what you do for work.

13 A I work for a clinical research site as a data entry
14 manager.

15 Q Are you referring to a website?

16 A No, it's an actual pharm -- we do pharmaceutical studies.

17 Q Okay. What is your role at that center?

18 A Data entry manager.

19 Q How long have you been doing that type of work?

20 A About 12 years.

21 Q What jobs did you hold before that position?

22 A I worked at a paver place and retail.

23 Q Are you married?

24 A Yes.

25 Q What does your spouse do for work?

1 A He works for Broward County courts.

2 Q Broward County Ports, did you say?

3 A Courts.

4 Q What does he do for the courts?

5 A He does -- he used to do body cam and he went back -- I
6 don't know exactly if it is IT now that he's doing, but
7 evidence.

8 Q Do you have any adult children?

9 A Yes.

10 Q What do they do for work?

11 A One works with me, and the other works for Publix.

12 Q Have you ever served on a jury before?

13 A No.

14 Q Have you or any member of your family or any close friend
15 ever been employed by a law enforcement agency?

16 A No.

17 Q Have you ever served on a jury before?

18 A No.

19 Q Have you ever been involved in any court in a criminal
20 matter that concerned you, any member of your family, or a
21 close friend, either as a defendant, witness or a victim?

22 A No.

23 Q Is there anything, ma'am, in your background or in your
24 experiences that would impact your ability to be fair and
25 impartial if chosen to serve on this jury?

1 A I don't believe so.

2 THE COURT: All right, thank you. You may be seated,
3 Ms. Miranda.

4 EXAMINATION

5 BY THE COURT:

6 Q All right. Next juror, Juror Number 3, please tell me your
7 name and what you do for work.

8 A Sherri Carr, I'm a finance manager at St. Joseph Church and
9 School.

10 Q How long have you served in that role?

11 A Seventeen years.

12 Q What did you do, if anything, before that?

13 A Accounting and finance for other companies, also
14 self-employed, they were not non-for-profit.

15 Q Are you married?

16 A No.

17 Q Do you have any adult children?

18 A Yes, two.

19 Q What do they do for work?

20 A My daughter, she is teacher with Martin County Schools, and
21 my son is a purchasing manager for a company in Palm City.

22 Q Have you ever served on a jury before?

23 A No, I have not.

24 Q Have you ever served in the military?

25 A No.

1 Q Have you ever been involved in any court in a criminal
2 matter that concerned you yourself, any member of your family,
3 or a close friend either as defendant, a victim or a witness?

4 A Yes, my ex-husband was a defendant.

5 Q Were you called to testify in that proceeding?

6 A No, I was not.

7 Q Is there anything about your ex-husband's criminal
8 proceeding that would impact your ability to be a fair and
9 impartial juror, if chosen to serve as a juror in this case?

10 A No.

11 Q Is there anything else in your background or experiences
12 that would preclude you from being a fair and impartial juror?

13 A No.

14 THE COURT: All right. Thank you Juror Number 3, you
15 may be seated.

16 EXAMINATION

17 BY THE COURT:

18 Q Good morning, please tell me your name what you do for
19 work.

20 A Yes. Good morning, Your Honor, my name is Arjuna Weragoda,
21 I'm with the City of Vero Beach, I'm the project manager for
22 capital projects.

23 Q And you are Juror Number 4, is that right?

24 A That's correct.

25 Q Okay. So what does it mean to be a project manager for

1 capital projects for the city?

2 A Well, actually the city -- so I work for the water and
3 sewer department, so we have some big projects coming up here,
4 so I'm managing some of those projects, you know, they are
5 trying to get the wastewater treatment plant off the river.

6 Q Got it, thank you.

7 Have you held any other jobs before the current one?

8 A Yes, I have. I was with Indian River County before that in
9 the same capacity.

10 Q Okay. Are you an engineer, tell me a little about your
11 educational background?

12 A Correct, so I'm a professional engineer, I have been since
13 2000, and I, you know, got an engineering -- masters degree in
14 engineering.

15 Q Okay. Are you married?

16 A Yes, I am.

17 Q And what does your spouse do for work?

18 A She is a teacher.

19 Q Do you have any adult children?

20 A Teenagers.

21 Q Okay.

22 A One just finished his freshman year at UF, and the other
23 one is just going to be to college.

24 Q Okay. Have you ever served on a jury before?

25 A No, I have not.

1 Q Have you, any member of your family or any close friend
2 ever been employed by a law enforcement agency?

3 A Well, my brother-in-law worked with the Department of
4 Defense, so not as a law enforcement officer, but he was in IT,
5 I think.

6 Q In IT, did you say?

7 A Yes.

8 Q Any other relatives or friends -- close friends who work in
9 law enforcement?

10 A No, not that I can recall.

11 Q Okay. Have you ever been involved in any court in a
12 criminal matter that concerned you, any member of your family
13 or a close friend either as a defendant, a victim or a witness?

14 A No, I have not.

15 Q Is there anything in your background or experience, sir,
16 that would prevent you from being a fair and impartial juror if
17 chosen to serve in this case?

18 A No.

19 THE COURT: Thank you, Juror Number 4. You may be
20 seated.

21 PROSPECTIVE JUROR: You're welcome. Thank you.

22 EXAMINATION

23 BY THE COURT:

24 Q Good morning, Juror Number 5. Please tell me your name and
25 what you do for work.

1 A Chris Robertson, I'm a director of marketing and
2 development for Habitat for Humanity.

3 Q How long have you been doing that work, sir?

4 A I have been there about four or five months.

5 Q And what did you do before that job?

6 A I was a CEO of a foundation for about ten years, and then a
7 CEO for another local nonprofit for child abuse prevention.

8 Q And you said you were the CEO of a foundation previously,
9 what foundation was that?

10 A It was called Hope Lives Foundation, we would raise money
11 and then turn around and give it out to smaller nonprofits with
12 children's programs.

13 Q Have you had any other positions outside of the nonprofits
14 and foundations you have described?

15 A For the past 20 years, no; I was in sales and marketing
16 before.

17 Q Okay. Are you married?

18 A Yes.

19 Q What does your spouse do for work?

20 A Works for the U.S. House of Representatives, she is a
21 community outreach coordinator for Congressman Mast.

22 Q Do you have any adult children?

23 A Yes, I have one. He's 26, lives in Indiana and is an IT
24 director for a steel company.

25 Q Have you ever served on a jury before?

1 A No, ma'am.

2 Q Do you have any relatives or close friends who work in law
3 enforcement?

4 A No.

5 Q Have you ever been involved in any court in a criminal case
6 either as a defendant, a victim or a witness?

7 A No.

8 Q Have any of your close relatives been involved in such a
9 criminal case?

10 A No.

11 Q Is there anything about your background, sir, or your
12 experiences that would prevent you from being a fair and
13 impartial juror if chosen to serve in this case?

14 A No, no, ma'am.

15 THE COURT: Thank you, Mr. Robertson, you may be
16 seated.

17 EXAMINATION

18 BY THE COURT:

19 Q Good morning, thank you for your patience. Please tell me
20 your name and juror number.

21 A I'm Juror Number 6, my name is Lacy Carlton-Pearce.

22 Q What do you do for work?

23 A I have been in education, elementary education for about 18
24 years.

25 Q Are you currently serving as a teacher?

1 A Yes, I am a part-time teacher and also self-employed.

2 Q Prior to working in the education field, did you have any
3 other professional roles?

4 A I did, I also was in sales and marketing in a citrus
5 company, where I traveled around the United States selling
6 fresh fruit to chain stores, but mostly education.

7 Q Okay. Are you married?

8 A Yes, ma'am.

9 Q What does your spouse do for work?

10 A He is a retired firefighter/paramedic for the Seminole
11 Tribe of Florida and self-employed.

12 Q And self-employed in what way?

13 A We come from an agriculture family deeply rooted in
14 Florida, we have a working beef ranch in a couple different
15 counties, so he takes care of that, and I also do that on the
16 side as well.

17 Q Do you have any adult children?

18 A Not adult children, no, ma'am.

19 Q Okay. I guess I should be more precise, younger than 18?

20 A Yes, ma'am.

21 Q Okay.

22 A Ten and 12.

23 Q All right, thank you. Have you ever served on a jury
24 before?

25 A No, ma'am.

1 Q Do you have any close friends -- I know you mentioned your
2 husband worked as a paramedic and firefighter, do you have any
3 additional relatives or close friends who work in law
4 enforcement?

5 A No, ma'am.

6 Q All right. Is there anything about your husband's
7 employment in that field that would impact your ability to be a
8 fair and impartial juror in this case?

9 A No, ma'am.

10 Q Have you ever been involved in any court in a criminal
11 proceeding?

12 A No, ma'am.

13 Q Has any member of your family or close friend been involved
14 in a criminal matter either as a defendant, a witness or a
15 victim?

16 A No, ma'am.

17 Q Have you ever served in the military?

18 A No, ma'am.

19 Q Is there anything else in your background or experiences
20 that would impact your ability to be a fair and impartial juror
21 and weigh the evidence objectively in this case?

22 A I don't think so.

23 Q Do you have any doubts about that, ma'am?

24 A No, ma'am.

25 Q All right, you may be seated.

1 THE COURT: One moment, I'm trying to keep track of
2 my notes here, so thank you, please bear with me.

3 EXAMINATION

4 BY THE COURT:

5 Q All right. We spoke a few minutes ago, you are Juror
6 Number 7, is that correct?

7 A Yes.

8 Q Please tell me your name.

9 A My name is Sandra Morris-Clarke.

10 Q What do you do for work, ma'am?

11 A I work as a tech at a hospital.

12 Q Did you say hospital tech?

13 A Yes, rehab hospital.

14 Q How long have you worked in the rehab facility?

15 A A little over a year, maybe a year and four months.

16 Q What did you do before that position?

17 A Worked in a nursing home.

18 THE COURT: All right, that's all I have. Thank you
19 very much, ma'am.

20 PROSPECTIVE JUROR: Thank you.

21 EXAMINATION

22 BY THE COURT:

23 Q Juror Number 8, please tell me your name and juror number.

24 A Hi, my name is Lindsey Berger, Juror Number 8.

25 Q Please tell me what you do for work.

1 A I'm a registered nurse.

2 Q And where do you work?

3 A I work at Encompass Health in Stuart, I'm the wound care
4 coordinator.

5 Q Wound care?

6 A Yes.

7 Q How long have you been a registered nurse?

8 A Eleven years.

9 Q What did you do before that?

10 A Most of my work history, I did work as a CNA prior to
11 becoming a nurse.

12 Q Are you married?

13 A I am.

14 Q What does your spouse do for work?

15 A He is a PGA golf professional.

16 Q Do you have any adult children?

17 A No, just small children.

18 Q Okay. Have you ever served on a jury before?

19 A No.

20 Q Do you have any close relatives or friends who work in law
21 enforcement?

22 A No.

23 Q Have you ever been involved in a criminal case, either you,
24 a close member of your family or a close friend?

25 A No.

1 Q Have you ever served in the military?

2 A No.

3 Q And you mentioned your husband works in the golf
4 profession, has he held any other jobs outside of that?

5 A No, ma'am.

6 Q Is there anything in your background or experiences that
7 would prevent you from being a fair and impartial juror if
8 chosen in this case?

9 A Not that I can think of.

10 THE COURT: All right. Thank you, ma'am.

11 EXAMINATION

12 BY THE COURT:

13 Q We are now at Juror Number 9, please tell me your name and
14 juror number.

15 A Bob Smith, Juror Number 9.

16 Q What do you do for work, sir?

17 A I'm a mortgage loan officer, I manage branches in Florida
18 and in Michigan.

19 Q How long have you worked in the mortgage loan field?

20 A About 25 years.

21 Q And what did you do, if anything, before then?

22 A Actually I have an engineering degree and I did some IT
23 work prior to that.

24 Q Have you ever worked in law enforcement?

25 A No.

1 Q Are you married?

2 A Yes.

3 Q What does your spouse do for work?

4 A She is the marketing director of a company.

5 Q Has she held any other positions outside of marketing?

6 A She has worked previous jobs in the past, but not in the
7 last 20 years or so, it has been all in marketing.

8 Q Has she ever served in law enforcement?

9 A No.

10 Q Do you have any relatives or close friends who work in law
11 enforcement?

12 A Not currently, I don't have any. My son did work -- my
13 oldest son worked for Genesee County in the court system, he
14 was a deputy, which he no longer is though.

15 Q Where is Genesee County?

16 A Michigan.

17 Q Michigan, okay. Have you ever served on a jury before?

18 A I have.

19 Q When was that, if you remember?

20 A It's been about four years ago in Genesee County.

21 Q Do you remember if it was a criminal or civil case?

22 A I do not.

23 Q Do you remember if you were the foreperson?

24 A I was not.

25 Q Okay. And do you remember if the jury reached a verdict

1 without telling me what it was?

2 A It did.

3 Q Now, do you have any adult children?

4 A Yes, three.

5 Q And what do they do for work?

6 A My oldest, he runs a business, he has a lawn care business,
7 he is the owner; then I have two other children that are in the
8 restaurant industry, and they are both managers of the
9 restaurants.

10 Q All right. Have you ever been involved in a criminal
11 proceeding?

12 A No.

13 Q Have any members of your family or close friends been
14 involved in a criminal proceeding?

15 A Not that I'm aware of.

16 Q Is there anything in your background or experiences, sir,
17 that would impact or render you incapable of being a fair and
18 impartial juror if chosen to serve in this case?

19 A No.

20 THE COURT: Thank you, Mr. Smith, you may be seated.

21 EXAMINATION

22 BY THE COURT:

23 Q Good morning, Juror Number 10, please tell me your name.

24 A Paul Geyer.

25 Q Good morning, Mr. Geyer, what do you do for work?

1 A I'm retired in 2016, but for the previous 31 years, I
2 worked in the financial area. The last job I was with 26 years
3 at an insurance company as a portfolio manager.

4 Q Are you married?

5 A No, but I have a partner.

6 Q Okay. What does your partner do for work?

7 A She is also retired, but prior to 2016, worked in education
8 as a cultural and language teacher most recently.

9 Q Have either of you ever worked in law enforcement?

10 A No.

11 Q Do you have any adult children?

12 A No.

13 Q Have you ever served in the military?

14 A Nope.

15 Q Have you ever served on a jury before?

16 A No.

17 Q Have you ever been involved in a criminal proceeding?

18 A No.

19 Q Have any member -- has any member of your family or close
20 friend ever been involved in a criminal proceeding, either as a
21 defendant, victim or witness?

22 A No.

23 Q Is there anything in your background or experiences, sir,
24 that would impact your ability to be fair and impartial and
25 weighing the evidence objectively in this case?

1 A No.

2 THE COURT: Thank you, sir, you may be seated.

3 EXAMINATION

4 BY THE COURT:

5 Q Let's turn to Juror Number 11.

6 A Leonard Decker.

7 Q What do you do for work, sir?

8 A I'm retired, I worked for a citrus company.

9 Q What did you do for the citrus company?

10 A Heavy equipment, built groves.

11 Q How long did you do that, how many years?

12 A Eighteen.

13 Q And did you hold any jobs prior to your work in the citrus
14 field?

15 A Horse farm.

16 Q Have you ever worked in law enforcement, sir?

17 A No.

18 Q Are you married?

19 A Yes.

20 Q What does your spouse do for work?

21 A She designs interiors for motor homes.

22 Q Has she ever held any other jobs outside of the design
23 field?

24 A No.

25 Q Sorry, I think you said no, but I think I talked over you;

1 you said no?

2 A No.

3 Q Do you have any adult children?

4 A Two.

5 Q What do they do for work?

6 A My son is a plumber and my daughter is unemployed.

7 Q All right. Have you ever served on a jury before?

8 A No.

9 Q Have you ever served in the military?

10 A Yes.

11 Q Can you tell me a little about that service in terms of
12 length of time and approximately when.

13 A Four years, 1979 to -- I think it was '84 or '85.

14 Q And which division of the military?

15 A Army.

16 Q Army, okay. Have you ever been involved in a criminal
17 proceeding?

18 A No.

19 Q Has any member of your family been involved in a criminal
20 proceeding -- sorry, I just ask that you please wait until I'm
21 done with the question, otherwise the record comes out unclear.

22 Has any member of your family or close friend ever
23 been involved in a criminal matter?

24 A No.

25 Q Is there anything in your background or experiences, sir,

1 that would prevent you from being a fair and impartial juror if
2 chosen to serve in this case?

3 A No.

4 THE COURT: Thank you, you may be seated.

5 EXAMINATION

6 BY THE COURT:

7 Q All right. Good morning. Please tell me your name, Juror
8 Number 12.

9 A Good morning, Desiree Motto.

10 Q What do you do for work?

11 A I'm an optician.

12 Q And how long have you been an optician?

13 A Twenty-five years.

14 Q What did you do before becoming an optician other than, I
15 guess, study to be an optician?

16 A I actually did internal medicine as an MA.

17 Q Are you married?

18 A No.

19 Q Do you have any adult children?

20 A Yes, two.

21 Q What do they do for work?

22 A My daughter is in purchasing at the Sheriff's Office.

23 Q Do you have any other adult children?

24 A Yes, my son is a manager at a landscaping company.

25 Q Now, with respect to your daughter, which Sheriff's Office

1 is she working for?

2 A St. Lucie.

3 Q And you said she is in purchasing, do you know generally
4 what she does for the Sheriff's Office?

5 A It's when a police officer needs a gun, uniforms --

6 Q Got you.

7 A -- et cetera.

8 Q How long has she been working there?

9 A Four years, three, four years.

10 Q Is there anything about your daughter's work for the
11 Sheriff's Office of St. Lucie County that would impact your
12 ability to be fair and impartial if chosen to serve as a juror
13 on this case?

14 A No, ma'am.

15 Q Do you have any other adult children?

16 A No, ma'am.

17 Q You mentioned your daughter and your son, correct?

18 A Yes.

19 Q Have you ever served on a jury before?

20 A Yes.

21 Q And when was that, if you recall?

22 A Eight years ago.

23 Q Was that here in St. Lucie County?

24 A Yes, ma'am.

25 Q Do you remember if it was federal or state court?

1 A It was state.

2 Q State, okay. Do you remember if it was a criminal case or
3 a civil case?

4 A Civil.

5 Q And were you the foreperson?

6 A Yes.

7 Q Do you know if the jury reached a verdict in that case,
8 without telling me what it was?

9 A Yes.

10 Q Did the jury reach a verdict?

11 A Yes, ma'am.

12 Q Okay. Have you ever been involved in any court in a
13 criminal matter that concerned you, any member of your family
14 or a close friend either as a defendant, a witness or a victim?

15 A No, ma'am.

16 Q Is there anything in your background or experiences that
17 would affect your ability to be fair and impartial if chosen to
18 serve as a juror in this case, Ms. Motto?

19 A No, ma'am.

20 THE COURT: Thank you, you may be seated.

21 Actually, let me turn back to Ms. Motto for one final
22 follow-up.

23 BY THE COURT:

24 Q I should ask, other than your daughter's work for the
25 Sheriff's Office, do you have any other close friends or

1 relatives who work in law enforcement?

2 A Yes, ma'am.

3 Q Tell me who those individuals are and where do they work,
4 please.

5 A The Sheriff's Office; St. Lucie Police station here in
6 St. Lucie County; and another one, which I'd rather not talk
7 about.

8 Q Okay.

9 A I don't want to say his profession.

10 Q So the first person you referenced, who is that to you?

11 A It's my daughter's son-in-law -- I'm sorry, my daughter's
12 brother-in-law.

13 THE COURT: All right. We may have some follow-up
14 with you, ma'am, later during this session, but for now, you
15 may be seated. Thank you, Ms. Motto.

16 EXAMINATION

17 BY THE COURT:

18 Q All right. Good morning, Juror Number 13. Please tell me
19 your name.

20 A Shannon Phillips.

21 Q And where do you work?

22 A I work at Treasure Coast Hospice, I'm a registered nurse.

23 Q How long have you been a registered nurse?

24 A Ten years almost.

25 Q What did you do before then?

1 A Before being a registered nurse, I was a restaurant manager
2 and an office manager.

3 Q Are you married?

4 A I am.

5 Q What does your spouse do for work?

6 A He is a project manager.

7 Q And where does he work?

8 A He works in Palm Beach.

9 Q For what entity?

10 A Wright Brothers Construction Company.

11 Q Do you have any adult children?

12 A Barely, she's 18.

13 Q What does she do for work, if anything?

14 A Retail, she is going to college in August.

15 Q Has your husband -- I know he's working now as a project
16 manager for a construction company, what jobs has he held in
17 the past?

18 A Plumbing, he is a plumber.

19 Q Okay. Have you ever worked in law enforcement?

20 A No.

21 Q Has your husband ever worked in law enforcement?

22 A No.

23 Q Do you have any close friends or relatives who work in law
24 enforcement?

25 A No relatives, but I do have many friends in law

1 enforcement.

2 Q Perhaps raise the mic just a little bit, if you don't mind.

3 Thank you.

4 Now, is there anything about your close friendships
5 with these individuals -- I guess first off, approximately how
6 many individuals are you friends with who work in law
7 enforcement?

8 A I was an ER nurse previously, before working at Treasure
9 Coast Hospice, for many years, so I came in contact with
10 multiple police officers and became friends with them, so quite
11 a ton --

12 Q Got it, got it.

13 A -- unfortunately.

14 Q I'm sorry, what was that last word?

15 A I said unfortunately.

16 Q Well, there is no fortunate or unfortunate, I'm just trying
17 to understand a bit more about your background.

18 Is there anything about your friendships or
19 acquaintances or relationships with these various law
20 enforcement folks that would impact your ability to be fair and
21 impartial in this case if chosen to be a juror?

22 A No, ma'am.

23 Q Have you ever served on a jury before?

24 A No.

25 Q Have you ever been involved in a criminal matter, either

1 you, a close friend or a family member?

2 A No.

3 Q Is there anything else in your background or experiences,
4 ma'am, that would impact your ability to be fair and impartial?

5 A No.

6 THE COURT: All right, thank you, you may be seated.

7 EXAMINATION

8 BY THE COURT:

9 Q Good morning, we are now at Juror 14. Please tell me your
10 name and what you do t for work.

11 A Georgette Brown, I'm retired for about eight years now.

12 Q And what did you do before you retired?

13 A I worked for a nonprofit.

14 Q What type of nonprofit?

15 A Epilepsy Foundation as a caseworker.

16 Q And what did you do before you worked for that nonprofit?

17 A I worked at the State Attorney's Office in Fort Pierce on
18 2nd Street.

19 Q And what sort of work did you do at the State Attorney's
20 Office?

21 A It was in victims division under Bruce Colton.

22 Q Are you an attorney?

23 A No.

24 Q Okay. How long did you work at the State Attorney's
25 Office?

1 A Two years.

2 Q Have you held any other jobs in law enforcement, other than
3 those approximately two years?

4 A No.

5 Q Is there anything about your work at the State Attorney's
6 Office, ma'am, that would impact your ability to be fair and
7 impartial if chosen to serve as a juror in this case?

8 A No.

9 Q Are you married?

10 A Yes.

11 Q What does your spouse do for work?

12 A He is retired.

13 Q Tell me what he did, please, before his retirement.

14 A He worked at Grumman, like a project manager for aircraft
15 parts.

16 Q Did he hold any jobs other than the project manager for
17 Grumman?

18 A No.

19 Q So he worked for that company his entire career?

20 A Yeah, 45 years.

21 Q Wow. Do you have any adult children?

22 A I do, I have three. One is self-employed with his own
23 business in marine engines; the other one is in the marine
24 electronics business, and my daughter is in insurance.

25 Q Do you have any members of your family or close friends who

1 are in law enforcement?

2 A No.

3 Q Have you ever been involved in any court in a criminal
4 proceeding?

5 A Not involved; overseeing when I was with the State
6 Attorney's Office.

7 Q Okay. Outside of that oversight role, have you or any
8 member of your family or close friend ever been a defendant, a
9 witness or a victim in a criminal case?

10 A No.

11 Q Have you ever served on a jury before?

12 A No.

13 Q Is there anything in your background or experiences,
14 Ms. Brown, that would affect your ability to be fair and
15 impartial if chosen to serve as a juror in this matter?

16 A No.

17 THE COURT: Thank you, you may be seated.

18 EXAMINATION

19 BY THE COURT:

20 Q All right, good morning. Please tell me your name and
21 juror number.

22 A Matthew Roy, 15.

23 Q What do you do for work, sir?

24 A I'm an assistant principal with St. Lucie Public Schools.

25 Q How long have you been in school leadership?

1 A School leadership, about eight years, and I was a teacher
2 prior to that.

3 Q Have you held any other jobs outside of being a teacher or
4 principal?

5 A I was a bartender and a restaurant server prior to that.

6 Q Are you married?

7 A No, but I have a partner.

8 Q What does your partner do for work?

9 A He is a registered nurse.

10 Q Has he held any other jobs, other than being a nurse?

11 A No, ma'am.

12 Q Have you ever worked in law enforcement?

13 A No, I have not.

14 Q Has your partner ever worked in law enforcement?

15 A No, he has not.

16 Q Have any members of your family or close friends ever
17 worked in law enforcement?

18 A No, ma'am, but I do work with a school resource deputy.

19 Q Okay. Is there anything about your working relationship
20 with that deputy that would impact your ability to be fair and
21 impartial if chosen to serve as a juror in this case?

22 A No, ma'am.

23 Q Have you ever served on a jury before?

24 A No, ma'am.

25 Q Do you have any adult children?

1 A No, ma'am.

2 Q Have you ever served in the military?

3 A No, ma'am.

4 Q Have you ever been involved in any court in a criminal
5 matter, either you, a member of your family or a close friend?

6 A In 2008, I was arrested for possession of cannabis, under
7 20 grams, and was a defendant in a pretrial diversion program.

8 Q Is there anything about that experience, sir, that would
9 impact your ability to be fair and impartial if chosen to serve
10 as a juror in this proceeding?

11 A No, ma'am.

12 Q Is there anything else in your background or experiences
13 that would impact your ability to weigh the evidence
14 objectively based on the law as it is presented to you?

15 A No, ma'am.

16 All right. Thank you, Mr. Roy, you may be seated.

17 EXAMINATION

18 BY THE COURT:

19 Q All right. Juror Number 16, good morning. Please tell me
20 your name, and what you do for work.

21 A Ann Laliberte, retired OR tech.

22 Q I'm sorry, I didn't catch that.

23 A Operating room tech.

24 Q Okay. How long were you an operating room technician?

25 A Ten years.

1 Q What did you do before that role?

2 A Dance instructor, 24 years.

3 Q Are you married?

4 A Yes.

5 Q What does your spouse do for work?

6 A Retired construction supervisor.

7 Q What did he do before that job, if anything?

8 A Always in building, carpenter.

9 Q Have you ever worked in law enforcement or has your spouse
10 ever worked in law enforcement?

11 A No.

12 Q Do you have any other relatives or close friends who work
13 in law enforcement?

14 A No.

15 Q Have you ever served on a jury before?

16 A No.

17 Q Have you ever served in the military?

18 A No.

19 Q Do you have any adult children?

20 A Yes, three.

21 Q What do they do for work?

22 A The oldest one is multiple handicapped, so he doesn't work;
23 the second one is a rehab specialist, but he is Mr. Mom now,
24 and the third one is a nurse anesthetist -- anesthetist.

25 Q That's a tough word to pronounce.

1 Have you ever been involved in any court in a
2 criminal matter, either as a defendant, a victim or a witness?

3 A No.

4 Q What about any members of your family or close friends?

5 A No.

6 Q Is there anything in your background or experiences that
7 would affect your ability to be fair and impartial, ma'am, if
8 you are chosen to serve as a juror in this case?

9 A No.

10 THE COURT: Thank you, you may be seated.

11 All right, I see Juror 17. It is 10:46 and I do want
12 to take a break since we still have a little bit more to go,
13 but let's go ahead and handle Juror 17, who is already eager
14 raising your paddle, so let's get started.

15 EXAMINATION

16 BY THE COURT:

17 Q What is your name?

18 A My name is Jerrine Lang.

19 Q What do you do for work?

20 A I'm a licensed real estate agent, I'm also the admin for a
21 local brokerage.

22 Q Have you held any other positions other than real
23 estate/brokerage?

24 A Yes, I previously worked for a university that I'm also an
25 alum of and my dad is in the printing industry, and I worked

1 for him for several years as well.

2 Q And what did you do when you worked for the university?

3 A I was in civil service and I delivered mail.

4 Q Are you married?

5 A I am.

6 Q And what does your spouse do for work?

7 A He works for a printing company out of Deerfield and he is
8 a supervisor.

9 Q Has he held any other jobs outside of the printing field?

10 A No.

11 Q Have either you or your spouse ever worked in law
12 enforcement?

13 A No, Your Honor.

14 Q Do you have any close friends or relatives who worked in
15 law enforcement or currently work in law enforcement?

16 A No, Your Honor.

17 Q All right. Do you have any adult children?

18 A Yes, I do.

19 Q Please tell me what they do for work.

20 A I have three, they are all in the food service industry,
21 and the youngest one is part-time, the other two are full-time.

22 Q Okay. And let's see, have you ever served on a jury
23 before?

24 A No, Your Honor.

25 Q Have you ever been involved in any court in a criminal

1 matter, either as a defendant, victim or witness?

2 A No, Your Honor.

3 Q Have you ever -- has anybody in your family or a close
4 friend been involved in a criminal proceeding?

5 A No, Your Honor.

6 Q All right. Is there anything in your background or
7 experiences, Ms. Lang, that would impact your ability to be
8 fair and impartial if chosen to serve as a juror in this case?

9 A No, Your Honor.

10 THE COURT: Thank you, you may be seated.

11 PROSPECTIVE JUROR: Thank you.

12 THE COURT: All right. We are going to take a 15
13 minute break, but before we do that, one moment.

14 (Pause in the proceedings)

15 THE COURT: All right. We are going to ask Juror
16 Number 12 to stay back for a brief sidebar.

17 Everybody else, you may go downstairs to the jury
18 room, jury assembly room, please leave you're paddles, though,
19 where they are right now so we don't lose track of them or
20 where you should be seated and we will see you promptly in 15
21 minutes.

22 All rise for the jury.

23 (The venire panel retired from the courtroom at
24 10:48 a.m.)

25

EXAMINATION

BY THE COURT:

Q Ms. Motto, I know you mentioned that you had a relative who worked in law enforcement, but you wanted to be careful about discussing his place of employment, so now that we are outside the presence of your fellow jurors, I would ask, where does this person work?

A He works in St. Lucie County.

Q Okay. And for what entity?

A He is undercover.

Q Okay. Is there anything about your relationship with this individual that would impact your ability to be fair and impartial if chosen to serve as a juror in this case?

A No, ma'am.

THE COURT: I'll give each side a moment for a question, if they choose to ask any follow-up.

Mr. McMillan, anything further?

EXAMINATION

BY MR. McMILLAN:

Q Ma'am, you understand none of the law enforcement officers involved in this case are from St. Lucie County, do you understand that?

A Yes, sir.

Q So there is no way that would have any impact on your ability to be fair and impartial, would it?

1 A Not at all, sir.

2 MR. McMILLAN: Thank you.

3 THE COURT: Do you have anything, Mr. Roth?

4 MR. ROTH: No, I have no questions. Thank you.

5 THE COURT: All right. Thank you, Ms. Motto. You
6 can go have your restroom break and we will see you back in 15
7 minutes, along with the rest of the group. Thank you.

8 (Juror 12 excused.)

9 THE COURT: All right. It's 10:52, we will all take
10 a ten minute break and then resume, unless there is something
11 very pressing.

12 MR. McMILLAN: No, Your Honor.

13 THE COURT: Okay, excellent. Let's let Ms. Motto
14 exit and I'll see you all in ten minutes.

15 (Recess was had at 10:52 a.m.; and the proceedings
16 resumed at 11:04 a.m.)

17 THE COURT: All right.

18 Ms. Nicado, can you go see if the Government
19 attorneys are outside.

20 (Pause in proceedings.)

21 THE COURT: All right. Anything to discuss before we
22 bring in the jurors?

23 MR. McMILLAN: Nothing for the United States, Your
24 Honor.

25 THE COURT: Mr. Roth?

1 MR. ROTH: No, Your Honor.

2 THE COURT: All right, you may be seated.

3 Ms. Nicado, are the jurors getting lined up outside?

4 THE COURTROOM DEPUTY: Yes.

5 THE COURT: Are they ready to come in?

6 THE COURTROOM DEPUTY: Yes.

7 THE COURT: All right, let's have them come in,
8 please.

9 All rise.

10 (Venire panel in at 11:07 a.m.)

11 THE COURT: Please be seated.

12 All right. I think we have everybody.

13 Ms. Nicado or Ms. Cassisi, any jurors outstanding?

14 THE COURTROOM DEPUTY: No, Your Honor.

15 THE COURT: We will resume where we left off with
16 Juror Number 18.

17 EXAMINATION

18 BY THE COURT:

19 Q Good morning, sir.

20 A Brady Wallace, Number 18, I hang wallpaper.

21 Q How long have you been engaged in that business?

22 A Only about a year.

23 Q What did you do before that point?

24 A I worked at a bank.

25 Q Doing what?

1 A Opening accounts, opening loans, that kind of thing.

2 Q Have you held any other positions other than the wallpaper
3 and the bank work?

4 A Yes, many. I previously managed a dorm for a college and
5 before that, I drove a truck.

6 Q Are you married, sir?

7 A No, ma'am.

8 Q Do you have any adult children?

9 A No, ma'am.

10 Q Have you ever worked in law enforcement?

11 A No.

12 Q Has anybody in your family or close friend ever worked in
13 law enforcement?

14 A No, ma'am.

15 Q Have you ever served on a jury before?

16 A No.

17 Q Have you ever worked in the military?

18 A No.

19 Q Have you ever been involved in any court in a criminal
20 proceeding either as a defendant, a victim or a witness?

21 A No, ma'am.

22 Q What about any members of your family or close friends?

23 A No, ma'am.

24 Q Is there anything, sir, in your background or experiences
25 that would affect your ability to be fair and impartial if

1 chosen to serve as a juror in this case?

2 A No, ma'am, I don't believe so.

3 Q All right. Do you have any hesitation at all in that
4 regard?

5 A Oh, no, no, I don't.

6 THE COURT: Okay, all right. Thank you, sir, you may
7 be seated.

8 PROSPECTIVE JUROR: Thank you.

9 EXAMINATION

10 BY THE COURT:

11 Q All right. Juror Number 19, please tell me your name and
12 what you do for work.

13 A My name is Brenda Trigg and I stay at home.

14 Q And during your life, have you held any positions outside
15 of the home?

16 A I used to work for the county about 15 years or so ago.

17 Q Which county was that?

18 A St. Lucie County.

19 Q And what did you do for the county?

20 A I was a -- I printed.

21 Q So you were printing, just explain to me a little bit about
22 what that means.

23 A Documents, anything for offices that needed to be
24 documented.

25 Q Understood, thank you. Okay.

1 When you worked for the county, was that in a law
2 enforcement capacity?

3 A No, ma'am; no, ma'am, I worked for the commissioners.

4 Q Okay. Are you married?

5 A Yes, ma'am.

6 Q What does your spouse do for work?

7 A He does custom cabinets.

8 Q And what other jobs, if any, has he had other than the
9 cabinets?

10 A Construction, drywall, yes.

11 Q Have either you or your husband ever worked in law
12 enforcement?

13 A No, ma'am.

14 Q Do you have any close friends or relatives who work in law
15 enforcement or previously worked in law enforcement?

16 A My brother-in-law, he was with the fire department, but he
17 doesn't work there now, he works at a golf club.

18 Q Okay. Do you have any adult children?

19 A Yes, ma'am, I have two. One lives in Orlando, works at
20 Universal Studios; my daughter stays home with her children.

21 Q All right. Have you ever served on a jury before?

22 A No, ma'am.

23 Q Have you ever served in the military?

24 A No, ma'am.

25 Q Have you ever been involved in any court in a criminal

1 matter that concerned yourself, any member of your family or a
2 close friend, either as a defendant, a witness or a victim?

3 A My grandpa, and he was a victim, I'm not sure how you
4 describe it. My grandmother died under the knife, so he took
5 them to court, so I don't know how you would -- why he would be
6 before you.

7 Q Okay, okay. Were you called to be a witness at all --

8 A No, ma'am.

9 Q -- in that case?

10 A No, ma'am.

11 Q Is there anything, ma'am, about that experience with your
12 grandfather's -- explain to me. Was your grandfather the
13 victim, I think you said?

14 A I don't know what you would call him under it. My
15 grandmother is the one who passed away under surgery, so he
16 took them to court.

17 Q I understand.

18 A Okay.

19 Q Okay, I get it now, thank you.

20 Is there anything about that court proceeding that
21 you have been referencing between -- I guess as a result of
22 your grandmother's death that would affect your ability to be
23 fair and impartial in this case?

24 A No, ma'am, I don't think so.

25 Q Do you have any doubts about your ability, ma'am, to be

1 fair and impartial?

2 A No, ma'am.

3 Q Is there anything else in your background or experiences
4 that would affect your ability to weigh the evidence in this
5 case objectively and applying the law as it is instructed to
6 you?

7 A No, ma'am.

8 THE COURT: All right. Thank you, ma'am, you may be
9 seated.

10 EXAMINATION

11 BY THE COURT:

12 Q All right, Juror Number 20, please tell me your name, and
13 what you do for work.

14 A Breyana Harvard, retail management.

15 Q I'm going to ask you to speak up a tad. Did you say retail
16 management?

17 A Yes.

18 Q Where is that specifically?

19 A Sam's, Vero Beach.

20 Q How long have you worked at Sam's?

21 A I've been there five years.

22 Q And where did you work before that job?

23 A All retail.

24 Q Have you ever worked in law enforcement?

25 A No.

1 Q And you said retail jobs, can you tell me a little bit
2 about the different companies you've worked for.

3 A I worked at Home Depot in Georgia, also Home Depot
4 corporate office in Georgia as well, all management.

5 Q Got you. Are you married?

6 A No.

7 Q Do you have any adult children?

8 A No.

9 Q Have you ever served on a jury before?

10 A No.

11 Q Have you ever worked in law enforcement?

12 A No.

13 Q Do you have any close friends or family members who work in
14 law enforcement?

15 A My mother, retired Fort Lauderdale Broward Sheriff's Office
16 deputy.

17 Q That was your mother?

18 A Yes.

19 Q And what did she do, if you can describe that a bit more
20 for me?

21 A She was a deputy at the courthouse.

22 Q Do you know if she worked for the court or for a law
23 enforcement agency?

24 A Law enforcement, she did the intake of the inmates going in
25 and out of corrections.

1 Q Okay. Is there anything about your mother's prior
2 employment that would impact your ability to be fair and
3 impartial if chosen as a juror in this case?

4 A No.

5 Q Have you ever been involved in any court in a criminal
6 matter that concerned yourself, any member of your family or a
7 close friend, either as a defendant, a victim or a witness?

8 A No.

9 Q Have you ever served in the military?

10 A No.

11 Q Is there anything in your background or experiences,
12 Ms. Harvard, that would impact your ability to be fair and
13 impartial if chosen to serve as a juror in this case?

14 A No.

15 THE COURT: Thank you, you may be seated.

16 EXAMINATION

17 BY THE COURT:

18 Q Good morning. We are now at Juror 21, if you could please
19 tell me your name and what you do for work.

20 A My name is Sally Kennedy, and I'm a retired professional
21 ballet dancer.

22 Q And have you held any other positions outside of the ballet
23 field?

24 A I taught music classes and I have been a teacher, performed
25 with Cirque du Soleil and Miami City Ballet.

1 Q Very interesting. I was curious, are you supposed to say
2 ballet or --

3 A Ballet.

4 Q Thank you. Are you married?

5 A Yes.

6 Q And what does your spouse do for work?

7 A He is a retired firefighter/paramedic with the City of
8 Miami.

9 Q Is there anything about your husband's role as a paramedic
10 or retired paramedic/firefighter that would impact your ability
11 to be fair and impartial if chosen as a juror in this case?

12 A No, ma'am.

13 Q Did your husband hold any other jobs, other than the
14 paramedic role you described?

15 A No. He did fire prevention training and stuff like that,
16 but just with the fire department.

17 Q Okay. Do you have any friends who work in law enforcement,
18 close friends?

19 A No.

20 Q What about any family members who work in law enforcement?

21 A My father-in-law was a New York police officer, he is
22 deceased now.

23 Q Anything about your late father-in-law's prior employment
24 that would impact your ability to be fair and impartial?

25 A No, ma'am.

1 Q Have you ever served on a jury before?

2 A Yes, I have.

3 Q And when was that?

4 A Seven or eight years ago.

5 Q Here in Florida or --

6 A Yes, in Miami.

7 Q Do you remember if it was state court?

8 A Yeah, I believe so.

9 Q And do you remember if it was a criminal or civil case?

10 A Criminal, I believe, yeah, it was criminal.

11 Q And do you know if you were the foreperson?

12 A No.

13 Q Do you know if the jury reached a verdict?

14 A We did not.

15 Q Have you ever served in the military?

16 A No.

17 Q I'm not sure if I asked you this, do you have any adult
18 children?

19 A Not adult.

20 Q Okay. Have you ever been involved in any court in a
21 criminal case?

22 A No, ma'am.

23 Q Is there anything in your background or experiences,
24 Ms. Kennedy, that would impact your ability to be fair and
25 impartial, weigh the evidence objectively and apply the law as

1 it is given to you?

2 A No, ma'am.

3 THE COURT: All right. You may be seated, thank you.

4 EXAMINATION

5 BY THE COURT:

6 Q Good morning, Juror Number 22, please tell me your name and
7 what you do for work.

8 A Good morning, Your Honor. My name is Rudy Francisco and
9 I'm a banker for a bank.

10 Q And how long have you worked in banking?

11 A Five years, going on six.

12 Q What did you do, if anything, before you started in
13 banking?

14 A Well, before I was 20, I was working in the -- it doesn't
15 look like it, but I it was working in like supplements,
16 protein, you know, all that fun stuff because I got out of high
17 school and by 20, that's when I started working in the banking
18 industry.

19 Q Okay. And in your current role, sir, what is your title?

20 A Relationship banker.

21 Q Are you married?

22 A No.

23 Q Do you have adult children?

24 A No.

25 Q Have you ever served on a jury before?

1 A No -- well, I got a summons once, but I was excused.

2 Q All right. Do you have any close friends or family members
3 who work in law enforcement?

4 A Not at all, no.

5 Q Have you ever been involved in any court in a criminal
6 case?

7 A Well, I was a defendant. When it -- to put a little
8 context, so I drive a Camero and to the deputies that gave me
9 those traffic tickets, they thought I was going over a certain
10 limit, but that was taken care of because I hired a lawyer and
11 they took care of that. Other than that, just like traffic
12 stop violations, I guess, in the eyes of the law, but like I
13 said, I was never, I guess, charged.

14 Q Thank you, thank you.

15 Anything about those speeding or traffic related
16 cases that would affect your ability to weigh the evidence in
17 this case based solely on what is presented in the courtroom
18 and the law as it is given to you?

19 A Not at all, no.

20 Q All right. Is there anything in your background or
21 experiences, Mr. Francisco, that would affect your ability to
22 be fair and impartial if chosen to serve?

23 A No.

24 THE COURT: Thank you, you may be seated.
25

EXAMINATION

BY THE COURT:

Q Next is Juror 23, good morning. Please tell me your name.

A Good morning, Revatie Achahbar.

Q What do you do for work?

A I'm a tax accountant.

Q How long have you been a tax accountant?

A For 15 years, and prior to that I was an accountant.

Q Any other jobs outside of the accounting field?

A No.

Q Are you married?

A Yes, I am.

Q What does your spouse do for work?

A My husband has an auto repair shop.

Q Does he own that shop?

A Yes.

Q Has he held any other -- has he held any other positions outside of the auto repair field?

A No.

Q Do you have any adult children?

A One, she is 22. She was an intern for the last two years for the Seventh District Court in the criminal field, she just finished last year.

Q Is she an attorney?

A No, she is doing her masters now.

1 Q I think you said she was an intern in the Southern --

2 A Seventh.

3 Q Seventh?

4 A Seventh District Court.

5 Q Here in Florida?

6 A Yes.

7 Q Is there anything about your daughter's internship that
8 would impact your ability to be fair and impartial if chosen to
9 serve as a juror in this case?

10 A No.

11 Q Do you have any other adult children?

12 A No.

13 Q Have you ever served on a jury before?

14 A No.

15 Q Have you ever served in the military?

16 A No.

17 Q Have you ever been involved in a criminal case either as a
18 defendant, a victim or a witness?

19 A No, ma'am.

20 Q What about any members of your family or close friends?

21 A No.

22 Q Do you have any close friends or relatives who work in law
23 enforcement?

24 A No, I don't.

25 Q Is there anything in your background or experiences that

1 would impact your ability to be a fair and impartial juror,
2 weighing the evidence objectively in this case based on the law
3 as it is presented to you?

4 A No.

5 THE COURT: Thank you, that is all, you may be
6 seated.

7 EXAMINATION

8 BY THE COURT:

9 Q All right. We are now at Juror Number 24, please tell me
10 your name and what you do for work.

11 A Good morning, my name is Kristin Brege, and I'm a
12 registered nurse.

13 Q How long have you been worked in nursing?

14 A Four years.

15 Q And what did you do for work prior to that?

16 A I worked with children in the extended day program of
17 Indian River County.

18 Q Are you married?

19 A I am not.

20 Q Have you ever worked in law enforcement?

21 A No, ma'am.

22 Q Do you have any close friends or relatives who work in law
23 enforcement?

24 A No, ma'am.

25 Q Have you ever been served on a jury before?

1 A I was summoned, but I wasn't called.

2 Q Have you ever served in the military?

3 A No, ma'am.

4 Q Have you ever been involved in any court in a criminal
5 case, either as a defendant, a victim or a witness?

6 A No, ma'am.

7 Q What about any individuals in your family or close friends?

8 A My sister is going through a civil case currently, but not
9 criminal.

10 Q Okay.

11 A A divorce.

12 Q Is there anything in your background or experiences, ma'am,
13 that would impact your ability to be a fair and impartial juror
14 if chosen?

15 A No, ma'am.

16 THE COURT: Thank you, Juror 24, you may be seated.

17 EXAMINATION

18 BY THE COURT:

19 Q We are now at Juror 25. Good morning, please tell me your
20 name and what you do for work.

21 A Hi, good morning. My name is Michelle Andrews, I'm an
22 office manager for an internal medicine physician, a small
23 practice. I mainly do office insurance and patient billing.

24 Q How long have you been working there?

25 A Twenty-six years.

1 Q Any other job?

2 A One retail job, that's about all.

3 Q Are you married?

4 A Yes.

5 Q What does your spouse do for work?

6 A Firefighter/EMT battalion chief in our county.

7 Q Which county is that?

8 A Highlands.

9 Q Is there anything about your spouse's employment for
10 Highlands County as a firefighter and battalion chief, I think
11 you said, that would impact your ability to serve as an
12 impartial juror in this case?

13 A None at all.

14 Q Do you have any other friends or relatives that work in law
15 enforcement?

16 A My stepfather is a retired law enforcement officer. My
17 mother is currently a criminal analyst in Hendry County and
18 she's had multiple clerical positions for the Sheriff's Office.

19 Q Is there anything about your relationships with those
20 individuals, again, that would impact your ability to be fair
21 and impartial in this case if chosen to serve?

22 A No, ma'am.

23 Q Have you ever been on a jury before?

24 A I have not.

25 Q Have you ever served in the military?

1 A No, ma'am.

2 Q Have you ever been involved in any court in a criminal
3 case, either you, a close member -- a member of your family or
4 a close friend?

5 A I know my stepfather was called to court for an arrest
6 related issue, his job, and I don't know any details, he never
7 disclosed anything.

8 Q All right. Any other criminal cases?

9 A No, ma'am.

10 Q Is there anything in your background or experiences, ma'am,
11 that would affect your ability to be fair and impartial and
12 weighing the evidence in this case objectively and fairly?

13 A No, ma'am.

14 THE COURT: All right. Thank you, Ms. Fraser, you
15 may be seated.

16 PROSPECTIVE JUROR: Andrews.

17 THE COURT: Andrews, I misspoke, thank you for the
18 clarification. Just to be clear, you're Juror 25, our Juror
19 25?

20 PROSPECTIVE JUROR: Yes.

21 EXAMINATION

22 BY THE COURT:

23 Q Now Ms. Fraser.

24 A Liana Fraser.

25 Q I think you spoke with us before, ma'am. You are -- you

1 are a nurse, is that right?

2 A Yes, registered nurse at St. Lucie Hospital.

3 Q Okay. How long have you been a nurse?

4 A Six years.

5 Q Are you married?

6 A No.

7 Q Any adult children?

8 A No.

9 Q Have you ever served on a jury before?

10 A I was served, but the case was dismissed, so we never went
11 to trial.

12 THE COURT: All right. That's all I have for you,
13 ma'am, thank you very much.

14 EXAMINATION

15 BY THE COURT:

16 Q Juror 27, good morning.

17 A Hi. My name is Pam Beaumont, I'm a speech language
18 pathologist for 29 years, I work in private schools, charter
19 schools, public schools. I'm licensed in seven states.

20 Q Excellent. Have you worked in any other jobs outside of
21 speech pathologist?

22 A Just odd jobs during college and high school.

23 Q All right. So do you have a degree in speech pathology?

24 A A masters in speech pathology and audiology.

25 Q All right. Are you married?

1 A I am.

2 Q What does your spouse do for work?

3 A He is a painter.

4 Q Has he always worked in painting?

5 A Yeah, since I have known him.

6 Q All right. Do you have any adult children?

7 A No.

8 Q Have you ever served in the military?

9 A No.

10 Q Do you have any friends -- close friends or relatives who
11 work in law enforcement?

12 A No.

13 Q Have you ever worked in law enforcement?

14 A No.

15 Q Have you ever been involved in any court in a criminal
16 case, either as a defendant, a victim or a witness?

17 A No.

18 Q Is there anything in your background or experiences, ma'am,
19 that would affect your ability to be fair and impartial if
20 chosen to serve as a juror in this case?

21 A No.

22 THE COURT: All right. Thank you, Ms. Beaumont, you
23 may be seated.

24 PROSPECTIVE JUROR: You're welcome.

25

EXAMINATION

BY THE COURT:

Q Juror 28, good morning. Please tell me your name and what you do for work.

A Good morning, Daniel Gallo, I worked for a general contractor.

Q And what do you do for the general contractor?

A We are kind of a small company, so I kind of do all kinds of things from building, designing to managing. It is not really a one title thing.

Q Gotcha. So what did you study in terms of vocation related to the work that you do?

A Just experience, just -- yeah.

Q Okay, all right. Have you held any other jobs outside of the contractor field?

A No. Before that, I mean, it was basically another contractor who worked out of the St. Lucie Power Plant, it was a security hardware company.

Q All right. Are you married?

A Yes.

Q What does your spouse do for work?

A She does not work, but she did raise our children, is still raising them.

Q That's certainly a lot of work, I can attest to that.

A Definitely.

1 Q All right. Do you have any close friends who work in law
2 enforcement?

3 A No, I do not.

4 Q Any family members?

5 A No.

6 Q All right. Have you ever served in the military?

7 A No, I have not.

8 Q Have you ever served on a jury before?

9 A No, I have been summonsed, but never --

10 Q So you were summoned, did you actually go to court and then
11 just --

12 A No. I think one time I might have got to this point, but
13 then that was it.

14 Q Okay, all right. Have you ever been involved in any court
15 in a criminal proceeding?

16 A No.

17 Q Have any members of your family or close friends been
18 involved in any criminal cases?

19 A No.

20 Q Is there anything in your background or experiences, sir,
21 that would impact your ability to be fair and impartial if
22 chosen to serve as a juror in this case?

23 A No.

24 THE COURT: All right. Thank you, you may be seated,
25 sir.

EXAMINATION

BY THE COURT:

Q Juror 29, good morning again. Please repeat you're name for me.

A Maria Demott.

Q And what do you do for work.

A I'm a housewife.

Q Have you held any jobs in the past outside of the home?

A Yes, I have. I used to be an admissions counselor for Kaiser, when it was still Kaiser College; and before that I was an office administrator for Kohler in the generator division; and before that, it was an administrative assistant at Walt Disney World.

Q Very diverse roles, all right. And are you married?

A Yes, ma'am.

Q What does your spouse do for work?

A He is currently a supervisor with nutrition services at Cleveland Clinic and he used to be a chef at Walt Disney World.

THE COURT: Okay, all right. That is all I have at the moment, Ms. Demott, you may be seated.

Let's turn to Juror 30.

EXAMINATION

BY THE COURT:

Q Good morning, please tell me what you do for work and what your name is.

1 A My name is Jason Wright and I'm the supervisor of the night
2 crew at Lowe's.

3 Q Does that mean you work nights, sir?

4 A Yes, ma'am.

5 Q So were you able to get any rest last night?

6 A A little.

7 THE COURT: Let's get a new microphone, I think one
8 is charged up here.

9 BY THE COURT:

10 Q Thank you, sir. What hours do you work?

11 A I work from 7:00 at night until 6:00 in the morning.

12 Q Is there any flexibility in that schedule?

13 A None.

14 Q Now, is there anything about that schedule that would make
15 it difficult for you to give this case your undivided attention
16 if chosen to serve?

17 A It would be difficult, but I should be all right.

18 Q But am I correct that you would basically not be sleeping
19 according to your schedule?

20 A Yes, I wouldn't be sleeping, though.

21 Q All right, sir. Thank you for that.

22 Are you married?

23 A No.

24 Q Okay. Do you have any adult children?

25 A My son.

1 Q And what does he do for work?

2 A He does construction.

3 Q Have you ever served on a jury before?

4 A No.

5 Q Have you ever been involved in a criminal case?

6 A Yes.

7 Q Do you wish to speak about that in private?

8 A Probably be best.

9 THE COURT: All right, thank you. We will get back
10 to you later, Mr. Wright.

11 Let's turn to Juror 31.

12 EXAMINATION

13 BY THE COURT:

14 Q Good morning.

15 A Good morning.

16 Q Please tell me your name and what you do for work.

17 A I'm Elton Dean Collins, I'm happily retired.

18 Q From what job?

19 A I worked 36 years with an electric utility, Georgia Power
20 Company, I was an account manager.

21 Q And so what did you study going back?

22 A Business.

23 Q Okay. Did you hold any other jobs beyond working for that
24 utility company?

25 A I did out of college, I was a restaurant assistant manager.

1 Q Okay. Are you married?

2 A I am.

3 Q What does your spouse do for work?

4 A She is -- she owns her own travel agency.

5 Q Have either of you ever worked in law enforcement?

6 A No.

7 Q Do you have any close friends or relatives who work in law
8 enforcement?

9 A I do not.

10 Q Have you ever served on a jury before?

11 A No.

12 Q Have you ever been involved in a criminal matter, either as
13 a defendant, victim or witness?

14 A I was. When I was working in the restaurants, we were held
15 up at gunpoint and we were robbed, and I served as a witness in
16 that trial.

17 Q All right. Is there anything about that experience,
18 testifying in that case, that would impact your ability to be
19 fair and impartial if chosen to serve as a juror in this case?

20 A There is not.

21 Q I'm not sure if I asked you this, but have you ever served
22 on a jury before?

23 A I have not.

24 Q Okay, all right. Do you have any adult children?

25 A I do, I have two boys; one 36, he works at Vero -- in Vero

1 at MLB as an HVAC technician; and the younger one is 32, he is
2 a physician's assistant in Los Angeles.

3 Q All right. Anything in your background or experiences,
4 Mr. Collins, that would affect your ability to be fair and
5 impartial if chosen to serve as a juror?

6 A There is not.

7 THE COURT: All right, thank you. You may be seated.

8 EXAMINATION

9 BY THE COURT:

10 Q All right, Juror Number 32, thank you for your patience.
11 Please tell me your name and what you do for work.

12 A My name is Kenneth Sprigle, I work as a heavy equipment
13 mechanic.

14 Q Do you work for a company, sir?

15 A Kelly Tractor.

16 Q How long have you worked there?

17 A Twenty-five years.

18 Q Any other jobs?

19 A U.S. Military.

20 Q When was that roughly?

21 A That was from 1978 out of high school to 1998, for 20
22 years; retired.

23 Q And what part of the military did you work for?

24 A U.S. Army, 82nd Airborne mostly.

25 Q Thank you, sir. Are you married?

1 A Yes.

2 Q What does your spouse do for work?

3 A She is retired now, she worked in a prison up in Michigan
4 in the medical portion of it, and an ambulance driver, both in
5 Michigan.

6 Q Is your wife a nurse or what does she do in the medical
7 field?

8 A She basically drove the ambulance, that's basically what
9 she did.

10 Q Do you know if she was employed by a prison facility?

11 A No. She is my new wife, my first wife, she passed away,
12 heart attack, but I have since married her and never really
13 questioned what she did in her past life. She wasn't real
14 happy with it, so I kind of left that alone.

15 Q All right. Is there anything about this prior employment
16 with, you know, ambulances and prison facilities or prison
17 medical facilities that would impact your ability to weigh the
18 evidence in this case objectively and fairly?

19 A No.

20 Q Do you have any close friends or relatives in law
21 enforcement?

22 A No.

23 Q Have you ever served on a jury?

24 A Yes.

25 Q If you could tell me when that was, approximately, whether

1 it was state or federal court, and criminal or civil?

2 A About eight or nine years ago, it was a state court for a
3 murder trial, and I was an alternate on the jury. And then I
4 have had a civil court back when I first got out of the
5 military, that's probably about 23, 24 years ago, it was a
6 civil trial, and I was a juror through that whole process.

7 Q Were you the foreperson in that civil case?

8 A No.

9 Q Do you know if the juries in these two proceedings that you
10 mentioned reached verdicts?

11 A On the murder trial, it was definitely guilty, and then the
12 civil trial was for the Defendant.

13 Q Okay.

14 A Wait a minute.

15 Q That's okay, I'm just curious whether a verdict was
16 reached.

17 A Yes, a verdict was reached on both.

18 Q Okay. Now, have you ever been involved in any court in a
19 criminal matter?

20 A Myself, personally, no. My son-in-law, yes, he was
21 arrested and tried for robbery and I was called as a witness,
22 as a character witness.

23 Q Is there anything about your interaction with that case as
24 a witness or otherwise that would impact your ability to serve
25 as a fair and impartial juror in this case, sir?

1 A No, ma'am.

2 Q Do you have any friends or relatives who work in law
3 enforcement?

4 A No.

5 Q Okay. Anything else in your background or experiences that
6 would impact your ability to be fair and impartial if chosen to
7 serve as a juror in this case?

8 A No, ma'am.

9 THE COURT: All right. Thank you, sir, you may be
10 seated.

11 THE WITNESS: Thank you.

12 EXAMINATION

13 BY THE COURT:

14 Q We are now with Juror 33, please tell me your name.

15 A Hi, I'm Linda Gordon.

16 Q It's still morning, so good morning.

17 A Good morning.

18 Q What do you do for work, ma'am, if anything?

19 A I am also joyfully retired since 2016 and prior to that, I
20 worked in public health as an epidemiologist.

21 Q How long did you work as an epidemiologist?

22 A For about 25 years.

23 Q Prior to that, any other job?

24 A I raised children.

25 Q Are you married?

1 A I am.

2 Q And what does your spouse do for work?

3 A My husband is also joyfully retired, and he worked in
4 New York as a corporate bond trader.

5 Q Did he ever hold any jobs in law enforcement?

6 A No, he did not.

7 Q Do you have any close friends or relatives who work in law
8 enforcement?

9 A No, I do not.

10 Q Have you ever served on a jury before?

11 A Yes, about 30 years ago.

12 Q Was that in New York or Florida or --

13 A It was here in Florida, and it was a state case. It was
14 brought to trial.

15 Q Were you the foreperson?

16 A No, I was not.

17 Q Do you know if the jury reached a verdict without telling
18 me what it was?

19 A It reached a verdict.

20 Q Have you ever been involved in a criminal case?

21 A No.

22 Q What about any members of your family or close friends,
23 have they ever been involved in a criminal case?

24 A Yes.

25 Q Who would that be, and what was the nature of their

1 involvement?

2 A My adult son was involved in a criminal case that
3 involved -- you know, I'm not quite sure, excuse me. I think
4 it was a theft case.

5 Q Were you called to testify at all In that case?

6 A No.

7 Q And I think you're referencing your son, is that right?

8 A Yes.

9 Q Is there anything about your son's experience or criminal
10 case that would impact your ability to be fair and impartial?

11 A No.

12 Q Do you have any other close friends or relatives who have
13 been involved in criminal matters, ma'am?

14 A No.

15 Q Is there anything else in your experience or background
16 that would impact your ability to be fair and impartial,
17 weighing the evidence objectively based on the law?

18 A No, there is not.

19 THE COURT: Okay. Thank you very much, Ms. Gordon,
20 you may be seated.

21 EXAMINATION

22 BY THE COURT:

23 Q All right, good morning, Juror 34. Please tell me your
24 name and what you do for work.

25 A My name is Susanne Myerjack, currently I work at Publix

1 Supermarket deli.

2 Q How long have you worked there?

3 A For the last five years.

4 Q And what did you do before that position?

5 A A restaurant chef, and then two personal bouts of chef.

6 Q Okay. Have you worked in any other jobs outside of
7 supermarkets/restaurant roles?

8 A I did a bookkeeping job for a union construction company
9 early on, years ago.

10 Q Okay. Are you married?

11 A No.

12 Q Do you have any adult children?

13 A No.

14 Q Have you ever served on a jury before?

15 A No.

16 Q Do you have any friends -- close friends or family members
17 who work in law enforcement?

18 A Yes. My father was a New York City firefighter, then head
19 trainer for the fire department, New York City; my aunt was
20 secretary to several police commissioners of New York; my uncle
21 is the -- was the sergeant of the 109th precinct.

22 Q Is that in New York, also?

23 A Yes.

24 Q Is there anything about your relationship with these
25 individuals who worked or currently work in law enforcement

1 that would affect your ability to be fair and impartial if
2 chosen to serve as a juror?

3 A No, ma'am.

4 Q Have you ever served on a jury before?

5 A No.

6 Q Have you ever been involved in any court in a criminal
7 case?

8 A No, I have not.

9 Q Is there anything in your background or experiences that
10 would impact your ability to serve as a fair and impartial
11 juror if chosen to serve, ma'am?

12 A Not at all.

13 THE COURT: Thank you, you may be seated.

14 EXAMINATION

15 BY THE COURT:

16 Q Please tell me your juror number and name and what you do
17 for work, ma'am.

18 A I'm 35, my name is Lori Brower, I'm a registered dietitian,
19 I work for a nutrition program for woman and children.

20 Q How long have you worked there?

21 A I have worked there for 15 years.

22 Q What did you do, if anything, before that position?

23 A Well, I have been a dietitian for 20 years, and then before
24 that, just restaurants, serving, catering.

25 Q Are you married?

1 A Yes.

2 Q What does your spouse do for work?

3 A He is an electrical contractor.

4 Q Has he held any other positions?

5 A No, that's all he has done.

6 Q Have either of you worked in law enforcement ever?

7 A No.

8 Q Do you have any close friends or family members who
9 previously or currently work in law enforcement?

10 A No.

11 Q Do you have any adult children?

12 A Two, one works for an IT company and the other works for a
13 HR company.

14 Q Have you ever served on a jury before?

15 A No.

16 Q Have you ever been involved in a criminal matter of any
17 kind, either as a defendant, witness or victim?

18 A No.

19 Q What about any members of your family or close friends?

20 A No.

21 Q Anything in your background or experiences, ma'am, that
22 would preclude you from being a fair and impartial juror if
23 chosen?

24 A No.

25 THE COURT: Thank you, you may be seated.

EXAMINATION

BY THE COURT:

Q Good morning, Juror Number 36. Please tell me your name and what you do for work.

A Good morning. My name is Patrice Jasperson, and I'm very happily retired.

Q What did you do prior to retiring?

A Prior to retiring, I was a mortgage loan processor, primarily assisting veterans, for about 25 years.

Q Did you hold any other job?

A Yes, I was a human resource manager for about ten years prior to that.

Q Are you married?

A Yes, I am.

Q And what does your spouse do for work?

A He is the regulatory and compliance manager for a major door manufacturer.

Q Has he held any other positions?

A He has been at that position for about 35 years; prior to that, he was a designer for Power Wheels, who is owned by Mattel.

Q Have either of you ever worked in law enforcement?

A No.

Q Do you have any close friends or relatives who work in law enforcement?

1 A No, we do not.

2 Q Have you ever served on a jury before?

3 A No.

4 Q Have you ever been involved in a criminal case as a
5 witness, defendant or victim?

6 A Yes, I was a witness for the prosecution for a case several
7 years ago.

8 Q I see here on your questionnaire this, I guess, relates to
9 a burglary of a neighbor's home, is that right?

10 A Correct.

11 Q Is there anything about your participation in that criminal
12 case back in, I think, 1982 as your questionnaire indicates,
13 that would impact your ability to be fair and impartial if
14 chosen to serve as a juror in this case?

15 A No.

16 Q All right. Anything else in your background or
17 experiences, ma'am, that would preclude you from being a fair,
18 objective and impartial juror if chosen?

19 A No, Your Honor.

20 THE COURT: Thank you, you may be seated.

21 EXAMINATION

22 BY THE COURT:

23 Q Hello again, sir.

24 A Hello, Number 37, Cameron Sandel.

25 Q Excellent. I think we spoke earlier, you mentioned you are

1 a vocational minister, do you have any other professional job
2 that you hold?

3 A I managed a restaurant out of high school.

4 Q Are you doing that right now?

5 A No, ma'am, I'm full-time vocational ministry and a student.

6 Q I didn't catch that last part.

7 A And a student.

8 Q Do you work at a church, sir?

9 A I do.

10 Q Okay. Are you married?

11 A I am.

12 Q What does your spouse do for work?

13 A She is the communications director and chief storyteller
14 for Metro Atlanta Youth for Christ.

15 Q Do you have any audit children?

16 A No, ma'am.

17 Q Have you ever served on a jury before?

18 A I have not.

19 Q Have you ever been involved in a criminal case?

20 A No, ma'am.

21 Q Do you have any friends or relatives who work in law
22 enforcement?

23 A My brother is a retired chief in the Coast Guard, but other
24 than that, no, ma'am.

25 Q How long ago did your brother retire?

1 A A year-and-a-half ago, but he was chief aviation mechanic,
2 I don't know if he was ever on any court cases or anything like
3 that, but he fixed the planes.

4 Q Is there anything about your brother's work for the Coast
5 Guard that would impact your ability to be fair and impartial,
6 and if you could raise your mic?

7 A No, ma'am.

8 Q Okay, thank you.

9 All right. Anything in your background or
10 experiences, sir -- and we talked a bit before about your role
11 in the ministry -- that would impact your ability to be fair
12 and impartial, if chosen to serve as a juror in this case?

13 A No, ma'am. I have had a lot of time to think about it, and
14 I can actively separate the active entering into our country
15 illegally and loving immigrants, so those things don't need to
16 overlap.

17 THE COURT: Thank you, Mr. Sandel, you may be seated.

18 EXAMINATION

19 BY THE COURT:

20 Q We are now at Juror 38.

21 A Good morning.

22 Q Good morning, sir.

23 A My name is Tom Radko, I also joined the ranks of the
24 happily retired, January 2017; prior to that, I was a longtime
25 magazine publisher and teacher.

1 Q And what did you teach?

2 A Everybody's favorite; writing.

3 Q It is a great subject.

4 A I think so.

5 Q All right. And when you say you worked as a publisher,
6 what companies did you work for?

7 A I worked for many. The last two or three, I was director
8 of Wesleyan University Press in Middletown, Connecticut and
9 prior to that, University of Nevada Press in Reno.

10 Q Have you ever worked in law enforcement, sir?

11 A I have not, no.

12 Q Are you married?

13 A No.

14 Q Do you have any audit children?

15 A No, I do not.

16 Q Can you raise the microphone just a tad.

17 A Definitely.

18 Q Do you have any close friends or relatives who work in law
19 enforcement?

20 A No, I do not.

21 Q Have you ever been involved in a criminal matter of any
22 kind, either as a victim, defendant or witness?

23 A No.

24 Q Have any members of your family or close friends been
25 involved in a criminal proceeding?

1 A No.

2 Q Have you ever served on a jury before?

3 A I have not.

4 Q Is there anything about your background or experiences,
5 sir, that would impact your ability to be fair and impartial if
6 chosen to serve as a juror?

7 A No.

8 THE COURT: All right. Thank you, you may be seated.

9 EXAMINATION

10 BY THE COURT:

11 Q Juror 39, please tell me your name and what you do for
12 work.

13 A Lauren Straigis, I'm a registered nurse in labor and
14 delivery.

15 Q How long have you been a nurse?

16 A Fourteen years.

17 Q Any jobs before that one?

18 A I did retail management and sales.

19 Q Are you married?

20 A Yes.

21 Q And what does your spouse do for work?

22 A He is a network engineer.

23 Q Has he held any other position?

24 A He worked with his uncle as a plumber, and he was a bouncer
25 in college at a nightclub.

1 Q Do you have any adult children?

2 A No.

3 Q Have either you or your husband ever worked in law
4 enforcement?

5 A No.

6 Q Do you have any close friends or relatives who previously
7 or currently work in law enforcement?

8 A No.

9 Q Have you ever served on a jury before?

10 A No.

11 Q Have you ever been involved in any criminal matter?

12 A No.

13 Q How about any members of your family or close friends?

14 A No.

15 Q Is there anything, ma'am, in your background or experiences
16 that would impact or affect your ability to be a fair and
17 impartial juror?

18 A No.

19 THE COURT: All right. Thank you, you may be seated.

20 EXAMINATION

21 BY THE COURT:

22 Q Juror 40, good afternoon now.

23 A Hi.

24 Q Please tell me your name and what you do for work.

25 A Regina Meno, I'm a retired dietitian.

1 Q And tell me a little bit about the different roles or jobs
2 you have had in your life.

3 A I worked at a hospital for probably ten years, and then
4 stayed home to raise kids, and then I went back and worked for
5 like Cornell Cooperative Extension with the schools, planting
6 gardens, and it was a fun job, and I also worked with food
7 banks, too, for another nonprofit.

8 Q Have you ever worked in law enforcement?

9 A No, I have not.

10 Q Are you married?

11 A Yes, I am.

12 Q What does your spouse do for work?

13 A He is retired, self-employed auto dealer.

14 Q Has he ever worked in law enforcement?

15 A No.

16 Q And has he held any other jobs outside of the auto
17 industry?

18 A No.

19 Q I'm sorry?

20 A No, he has always been dealing with cars.

21 Q Okay. Do you have any adult children?

22 A I do, I have four. You sure you want to hear about --
23 okay.

24 My oldest is -- she works at NYU in the graduate
25 program, admissions; my second daughter actually works for

1 Homeland Security, she is a CBP officer on the Canadian border,
2 so I would like to think I could be open. I know the case is
3 involving illegal immigrants, which she is risking her life
4 every day to protect our country, so I don't know how -- like I
5 said, I would like to think I can be open and honest,
6 nonjudgmental, but that's kind of dicey right there.

7 And my third daughter is a social worker, she works
8 dealing with kids; and my son works on Wall Street, he is an
9 analyst.

10 Q How long has your daughter been working for CBP?

11 A Five years.

12 Q Okay.

13 THE COURT: That's all I have for now, ma'am. There
14 may be some follow-up as we go along.

15 EXAMINATION

16 BY THE COURT:

17 Q Good afternoon, sir, please tell me your juror number, your
18 name and what you do for work.

19 A I'm Juror 41, Paul Budensiek, I work for United Parcel
20 Service.

21 Q You said United States Parcel Service?

22 A Yes, UPS.

23 Q UPS, okay. How long have you worked for UPS?

24 A Thirty-three years.

25 Q Have you held any other job?

1 A Self-employed.

2 Q Doing what?

3 A Landscape.

4 Q Have you ever worked in law enforcement?

5 A No, ma'am.

6 Q Are you married?

7 A Yes.

8 Q What does your spouse do for work?

9 A Teacher.

10 Q What does she teach?

11 A Math and science.

12 Q All right. Do you have any close friends or relatives who
13 work in law enforcement previously or currently?

14 A I do, my brother works for Martin County Jail.

15 Q Can you use the microphone, please.

16 A My cousin works for Martin County Sheriff's Office, and my
17 brother-in-law retired from a police department in Georgia.

18 Q Is there anything about your relatives' work in law
19 enforcement, sir, as you have described it that would impact
20 your ability to weigh the evidence objectively in this case,
21 based on the law as it is instructed to you?

22 A I don't think so.

23 Q And so when you say I don't think so, and again, we are
24 only seeking the truth here, do you have any hesitation at all
25 with respect to your ability to be fair and impartial?

1 A No, ma'am.

2 Q Okay. Have you ever served on a jury before?

3 A No, ma'am.

4 Q Have you ever been involved in a criminal case?

5 A No, ma'am.

6 Q What about any members of your family or close friends?

7 A No, ma'am.

8 Q Is there anything in your background or experience, sir,
9 that would affect your ability to be fair and impartial if
10 chosen to serve?

11 A No, ma'am.

12 THE COURT: All right. Thank you, you may be seated.
13 And one more time, how do you pronounce your last name?

14 PROSPECTIVE JUROR: Budensiek.

15 THE COURT: Thank you. We are now at Juror
16 Number 42, Ms. Bryan, I think it is.

17 EXAMINATION

18 BY THE COURT:

19 Q Hello again. What do you do for work?

20 A I'm a front desk purchaser at a major marina industry in
21 Palm Harbor.

22 Q I didn't quite catch that, tell me again what your position
23 is.

24 A Front desk agent.

25 Q That's where again?

1 A Palm Harbor front desk in West Palm Beach.

2 Q Okay. How long have you worked at the marina?

3 A Almost ten years.

4 Q Okay. Have you ever worked in law enforcement?

5 A No. I worked for a couple of months with Fort Pierce,
6 St. Lucie County filing clerk.

7 Q For the court system?

8 A Correct, yeah.

9 Q Okay. Are you married?

10 A Yes.

11 Q What does your spouse do for work?

12 A He is a truck driver.

13 Q Have either of you ever worked in law enforcement?

14 A No.

15 Q Do you have any friends or relatives who work in law
16 enforcement?

17 A No.

18 Q Have you ever served on a jury before?

19 A No. I was summoned, but it was dismissed.

20 Q And have you ever been involved in a criminal case?

21 A No.

22 THE COURT: All right. Thank you, you may be seated.

23 Thank you again, everybody, for your patience. We
24 are nearing the end hopefully.

25

EXAMINATION

BY THE COURT:

Q Please tell me your name and juror number.

A Julie Applegate, Juror Number 43.

Q What do you do for work?

A I'm retired.

Q From what industry?

A I was an evidence technician for the police department in Washington State.

Q What police department did you work for?

A The City of Monroe, Washington.

Q Got it. How long did you work in that capacity?

A Twenty-five years.

Q As an evidence technician, what are sorts of evidence were you handling?

A I responded to crime scenes, collected and preserved the evidence and transporting it, I was the chain of custody.

Q Did you hold any other jobs outside of the evidence technician one?

A Prior to that, 911 dispatcher.

Q Was that also for the City of Monroe?

A No, that was for the City of Bothell Police Department in Washington.

Q Is there anything about your work in law enforcement in these roles of evidence technician and 911 dispatcher that

1 would impact your ability to be fair and impartial if chosen to
2 serve as a juror in this case?

3 A No, ma'am.

4 Q Are you married?

5 A Yes.

6 Q What does your spouse do you for work?

7 A He is retired from the U.S. Navy.

8 Q And what was his role in the Navy?

9 A He was the manager of the North Island Fleet Readiness,
10 aircraft mechanic.

11 Q Do you have any adult children?

12 A Yes, I have two.

13 Q And what do they do for work?

14 A My oldest is an editor for the film industry, and my
15 youngest is in IT for Redfin.

16 Q Okay. Do you have any close friends or family members who
17 work in law enforcement?

18 A My late husband was a police officer.

19 Q Okay. And what department did he work for?

20 A He worked for the Bothell Police Department in Washington.

21 Q Is there anything about your late husband's work in law
22 enforcement that would impact your ability to be fair and
23 impartial if chosen to serve as a juror?

24 A No, ma'am.

25 Q Have you ever served on a jury before?

1 A Yes, I have.

2 Q When was that, if you remember, and again, same question?

3 A It was in the '90s, it was a civil case, it was on the
4 state level.

5 Q Were you the foreperson?

6 A No, I wasn't.

7 Q Do you know if the jury reached a verdict?

8 A Yes, we did.

9 Q Is there anything about -- excuse me, have you ever been
10 involved in a criminal case?

11 A I have testified numerous times as a witness and as a
12 subject matter expert in crime scene management.

13 Q All right. Anything about your role testifying in your
14 role as an evidence technician that would impact your ability
15 to be fair and impartial, ma'am?

16 A No, ma'am.

17 Q Anything else in your background or experiences that would
18 impact your ability to serve as a juror in this case?

19 A No.

20 THE COURT: All right. You may be seated,
21 Ms. Applegate, thank you.

22 EXAMINATION

23 BY THE COURT:

24 Q Good morning, sir. Please tell me your name, juror number,
25 and what you do for work.

1 A Yes, good afternoon. My name is Tom Allesandrello, I'm
2 Juror Number 44.

3 Q What do you do for work?

4 A Beg your pardon?

5 Q What do you do for work?

6 A I'm retired after 35 years working for a large aerospace
7 company, I did engineering work.

8 Q Have you ever worked in law enforcement?

9 A No.

10 Q Are you married?

11 A Yes.

12 Q What does your spouse do for work?

13 A She is retired as well, and she was a school administrator.

14 Q Did she ever work in law enforcement?

15 A No.

16 Q Do you have any close friends or relatives who work in law
17 enforcement, either previously or currently?

18 A No.

19 Q Do you have any adult children?

20 A Yes, an only daughter, and she is a speech therapist.

21 Q Have you ever served on a jury before?

22 A No.

23 Q Have you ever been involved in a criminal case?

24 I'm sorry, I didn't get your answer.

25 A I beg your pardon?

1 Q I didn't hear your answer.

2 A No, the answer is no.

3 Q Have any members of your family or close friends ever been
4 involved in a criminal case?

5 A No.

6 Q All right. Have you ever served in the military?

7 A I did, four years in the U.S. Air Force.

8 Q Anything in your background or experiences, sir, that would
9 impact your ability to be fair and impartial if chosen?

10 A No.

11 THE COURT: All right. Thank you, Mr. Allesandrello,
12 you may be seated.

13 EXAMINATION

14 BY THE COURT:

15 Q Hello, Juror 45, please tell me your name and what you do
16 for work.

17 A Noah Richmond, I'm a custom yacht carpenter.

18 Q How long have you worked in yacht carpentry?

19 A Five years.

20 Q What did you do before that job?

21 A I was a maintenance supervisor.

22 Q Was that in the boat field, also?

23 A No, that was on manufactured homes.

24 Q Have you ever worked in law enforcement, sir?

25 A No.

1 Q Are you married?

2 A Yes.

3 Q And what does your spouse do for work?

4 A She does retail management, she works at Walgreens, she is
5 a manager.

6 Q Okay. Has she ever worked in law enforcement?

7 A No.

8 Q Do you have any close friends or relatives that work in law
9 enforcement, either in the past or right now?

10 A No.

11 Q All right. Have you ever served on a jury before?

12 A No.

13 Q Have you ever been involved in a criminal case?

14 A No.

15 Q Has any member of your family or close friend been involved
16 in a criminal case?

17 A Most of my friends have been defendants at one point.

18 Q Is there anything, sir, about your friends' I guess
19 involvement or interaction with the criminal justice system
20 that would affect your ability to be fair and impartial?

21 A No.

22 Q Anything in your background or experiences, sir, that would
23 impact your ability to be objective and impartial if chosen to
24 serve as a juror?

25 A No.

1 THE COURT: Thank you, Mr. Richmond, you may be
2 seated.

3 EXAMINATION

4 BY THE COURT:

5 Q And finally, Juror 46, Mr. Ward, please tell me your full
6 name and what you do for work.

7 A Leonard Ward, retired.

8 Q And what did you do before you retired?

9 A Law enforcement for 35 and a half years.

10 Q If you can just tell me a little bit about your law
11 enforcement career.

12 A Up in Pinellas County, City of Largo, 20 years as a K-9
13 handler, 15 years as a traffic homicide investigator.

14 Q And when did you retire, sir?

15 A Seven years ago.

16 Q So was this all in Pinellas County?

17 A Yes.

18 Q Are you married?

19 A Yes.

20 Q What does your spouse do for work?

21 A She is retired, she was a regional manager for, back then,
22 Avon Products, and she worked there for 22 years.

23 Q You obviously worked in law enforcement, is there anything
24 about your extensive work in law enforcement that would impact
25 your ability to weigh this case based only on the evidence

1 presented and the law?

2 A No, it shouldn't be a problem.

3 Q And again, do you have any hesitation, sir, with respect to
4 your ability to weigh the evidence presented objectively and
5 fairly?

6 A None whatsoever.

7 Q Do you have any other members of your family who worked in
8 law enforcement or previously did?

9 A I have two children, my youngest son, when I retired, he
10 took my place on the same police department.

11 Q Okay.

12 A My older son is a high school principal -- I'm sorry,
13 middle school principal in Highlands County.

14 Q Okay. Any close friends who work in law enforcement?

15 A Yes, I still have friends in law enforcement.

16 Q Is there anything about those friendships and, of course,
17 your son's employment that would impact your ability to be fair
18 and impartial if chosen to serve?

19 A Wherever the evidence leads, that's where I'll go.

20 Q Thank you, sir. Have you ever served on a jury before?

21 A In the military, but not -- but not civilian.

22 Q Which leads me to my next question, have you ever served in
23 the military; if so, when and in what part of the military?

24 A Yes, 82nd Airborne, Army, I was four years active, two
25 years reserve active.

1 Q Have you ever been involved in a criminal case, sir?

2 A As a witness, yes.

3 Q And that was in your role as a law enforcement officer for
4 Pinellas County?

5 A Yes, but also I was a witness in two domestics with -- each
6 brother got into a domestic and I was in witness in that.

7 Q Anything about your participation as a witness in those
8 proceedings, either through your work or in those domestic
9 situations, that would impact your ability to be fair and
10 impartial in this case?

11 A None whatsoever.

12 Q Anything else in your background or experiences that would
13 impede your ability to be a fair and impartial juror, sir?

14 A None that I can think of.

15 THE COURT: Thank you, Mr. Ward, you may be seated.

16 All right. I'm now going to turn it over to the
17 attorneys. They are each going to be given the same amount of
18 time to ask you some brief questions, and then we will proceed
19 from there.

20 So let me turn first to Mr. McMillan.

21 VOIR DIRE BY THE GOVERNMENT

22 MR. McMILLAN: Thank you, Your Honor.

23 Ladies and gentlemen of the jury, the Judge already
24 asked you this question, but phrased a little bit differently,
25 and I wanted to know, other than the people -- and I think I

1 have, Juror 1, Juror 7, Juror 26, and Juror 42, is there anyone
2 who has any deeply held religious or philosophical beliefs that
3 would prevent you from sitting in judgment of another?

4 Is there anyone else, other than those who answered
5 previously that that would be an issue for?

6 Okay, I see no hands.

7 Then the other question is, do any of you have any
8 deeply held beliefs that U.S. immigration laws should not be
9 enforced at all?

10 Okay. So I see no hands for that.

11 And may we have follow-up questions?

12 THE COURT: Yes, you may.

13 MR. McMILLAN: Okay.

14 EXAMINATION

15 BY MR. McMILLAN:

16 Q Juror Number 1, Mr. White, do I understand correctly that
17 you don't believe that you should be in a position to judge
18 other people?

19 A That's correct.

20 Q Okay.

21 EXAMINATION

22 BY MR. McMILLAN:

23 Q And Juror Number 7, Ms. Morris-Clarke, ma'am, you said that
24 you felt like you would be putting someone innocent in jail.

25 A Yeah, it's a -- I feel like I wouldn't be fair because it

1 would not sit well because of being afraid, nervous, not having
2 the ability to just maybe do the right thing, I'm not sure
3 because nervousness may take over and I don't feel comfortable
4 sending people to jail, I -- you know.

5 Q Well, the reason I ask is because I don't think anybody in
6 this courtroom at all wants to send anybody to jail, but it
7 is --

8 A I don't want to be responsible, I don't want to be
9 responsible for knowing that I might have sent someone that was
10 innocent. And I don't also believe -- I'm from the island and
11 I also have immigration issues where I know a lot of people
12 came here from different country, including my country, and for
13 me, knowing that someone might, you know, be going to jail or
14 something for that, which I know people are coming here for
15 help and, you know, I don't know how that would sit well with
16 me.

17 Q Okay. Even if the evidence showed you that they were doing
18 it to make money for profit, could you be fair and impartial or
19 would that cause you concern?

20 A It would cause me concern.

21 Q To the extent that you don't think you could be fair in
22 listening to all of the evidence?

23 A It's a number -- number of things.

24 MR. McMILLAN: Okay. Thank you for your honesty,
25 ma'am.

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EXAMINATION

BY MR. McMILLAN:

Q Ms. Motto, Juror Number 12.

A Yes.

Q You said that your daughter's brother-in-law had to go to court.

A No, he works at the police station.

Q Oh, at the police station, okay. Thank you for that clarification.

EXAMINATION

BY MR. McMILLAN:

Q And Juror Number 22, Mr. Francisco, you indicated that you had a traffic ticket issue that occurred to you that the cops accused you of speeding.

A They accused.

Q Do you take the position that they were wrong?

A Well, I hired lawyers to, you know, go for me. I never really stepped into the courtroom, they went for me, and I was instructed by them and they took care of what they needed to do.

Q I guess what I'm really getting at, do you think you were fairly treated by the police in that case?

A So that was maybe like two years ago, a year ago, when I first got the car. What I would say to that would be, being treated fairly, I mean, there was different opinions into that

1 as far as like, you know, what was said and what -- you know,
2 my speedometer and what I have seen, so I really don't know how
3 to answer that question. But in my case, I would think that
4 going to -- or hiring lawyers on probably three to four
5 different occasions, I guess you could say, yeah, I do feel
6 like I was a little bit not treated fairly because I had to go
7 through all of that, paying the fees, all of that, hiring a
8 lawyer, and being accused of certain things as far as like, you
9 know, three of them were speeding and one of them was a traffic
10 violation.

11 Q First of all, the only thing that really matters here and
12 now is what your feeling was about how you were treated because
13 you said there were different opinions.

14 There are two sides probably to every story, we all
15 understand that, but the question is, do you think that you
16 were treated fairly, and you said there was a total of four
17 incidents around this?

18 A Yeah. I mean, you know, I'm not a habitual of anything,
19 but what I would say is that like within the -- one was Palm
20 Beach County, the others were Martin, but I would say the
21 feeling of that now would be like, no, I wasn't treated fairly.
22 Obviously, the lawyer took care of what he needed to take care
23 of with the police officers, but I didn't feel like I was
24 treated fairly.

25 Q I take it you were written tickets at the time.

1 A Yeah, but the speeds that were expressed, were, you know --
2 I guess were in like the misdemeanor or one even like a felony,
3 that was, you know, sent to -- you know, I don't know how it
4 works with the laser pointer that they have or whatever, but
5 that was their insight or their perception that I did that and
6 on the roads that he was going, they were like, you know, 60
7 plus mile roads, so --

8 Q Okay. Well --

9 THE COURT: Two minutes, just so you know,
10 Mr. McMillan.

11 MR. McMILLAN: Thank you, Your Honor.

12 BY MR. McMILLAN:

13 Q So at the end of the day, you tend to think you weren't
14 fairly treated, am I understanding you correctly?

15 A I didn't feel like those tickets were supposed to be issued
16 to me, no. I mean, like I said, I don't know how those radars
17 work, I know they have to do certain things every day or every
18 other week, but the court system, I felt like I was treated
19 fairly, but when the cops accused me of going over certain
20 speeds or certain limits, I didn't feel like that was fair.

21 MR. McMILLAN: Thank you.

22 EXAMINATION

23 BY MR. McMILLAN:

24 Q Juror Number 40, Ms. Meno.

25 A Yes.

1 Q With respect to your daughter who works for CBP, you said
2 it was kind of dicey as to whether you could be fair and
3 impartial because she works for CBP.

4 A Well, I mean, she is risking her life every day to save our
5 borders and this case is about illegal aliens coming through
6 the border. Like I said, I would hope I can be objectionable
7 (sic), but I'm not 100 percent positive that I could be.

8 Q Well, can you follow Judge Cannon's instructions to listen
9 until all of the evidence is in and only then make up your mind
10 as to whether we have established beyond and to the exclusion
11 of any reasonable doubt that Mr. Saunders is guilty of the
12 crimes that we charged him with?

13 A I can do that.

14 Q You can, are you absolutely sure about that?

15 A Yeah, I think so. I mean -- yes.

16 Q Okay. Well, because we don't want someone who --

17 A I'm trying to --

18 Q -- is uncomfortable doing this.

19 A I understand, I'm trying to be as honest as possible.

20 Q But can you tell Judge Cannon that you can be fair and
21 impartial and wait until all of the evidence is in before
22 making up your mind?

23 A Yeah.

24 Q And can you hold the Government to the same standard as any
25 civilian witness that we may call?

1 A Yes.

2 Q You can, okay, thank you, ma'am.

3 MR. McMILLAN: I'm done, Your Honor. Thank you.

4 THE COURT: Thank you.

5 All right. Mr. Roth.

6 VOIR DIRE BY THE DEFENSE

7 MR. ROTH: Thank you.

8 THE COURT: Let's equip you with a microphone, if you
9 would like one.

10 MR. ROTH: I should probably use the microphone, I
11 don't have a loud voice.

12 THE COURT: Yes, that's a good idea.

13 EXAMINATION

14 BY MR. ROTH:

15 Q Ms. Meno, you are getting all of the attention.

16 A Okay.

17 Q This case involves Border Patrol officers, officers that
18 work for the same agency, so I guess -- I mean, here is my
19 point: Sometimes people develop, you know, an opinion about
20 something or a bias in favor of something or against something.

21 When I was a young boy, my mother always wanted me to
22 eat beets, she thought they were very good for you.

23 A They are.

24 Q I hate beets and still to this day, I don't eat beets. If
25 I was on a jury and it was a beet trial, I wouldn't go for it,

1 so I just want an honest answer.

2 If you think that as you are here today, you look at
3 my client, that you can sit there and really accept and go into
4 this case with a presumption that he is innocent, because
5 that's what the law says, even though you know there is going
6 to maybe be Coast Guard or a Border Patrol person, but can you
7 accept the fact of a presumption of innocence for Mr. Saunders?

8 A I want to say yes, but --

9 Q If you are not sure, that's a fair answer.

10 A Yeah, I'm not sure.

11 MR. ROTH: Thank you.

12 Let me get --

13 EXAMINATION

14 BY MR. ROTH:

15 Q Mr. Wright, I respect you a lot for wanting to serve on the
16 jury and wanting to fulfill your obligation as a United States
17 citizen, but I've got to say, I'm looking at you and you look
18 tired.

19 A I am.

20 Q Do you really think this is something you can do and give
21 it your best effort, because I want whoever sits on this jury
22 to really listen very carefully. Sometimes the outcome of the
23 case rests on some very small nuance, and I think this case
24 will go pretty quick. I'm not the kind of lawyer to try to
25 beat an issue to death, I'm sort of relying on the jurors, the

1 first time I make a point, if I make the point successfully, to
2 hear it and remember it, so, you know, that's why it is very
3 important to me that everybody who is going to be on the jury
4 is alert, is focused.

5 You are going to come off a full night's shift with
6 no sleep, I know you don't want to leave it to anybody else to
7 take on the obligation of citizenship, but do you think working
8 in the job you work, the shift you work, that you are really in
9 a position to be a good juror in this case?

10 A I don't think I could be a good juror.

11 MR. ROTH: Thank you, sir.

12 EXAMINATION

13 BY MR. ROTH:

14 Q Mr. White, you don't want to be in a position where you
15 have to judge another person, correct?

16 A Correct.

17 Q If you were accused of a crime, would you want a juror that
18 that -- would you want a juror to sort of rise above those kind
19 of personal feelings and put in the time and the effort and be
20 a fair and impartial juror?

21 A I have never been to a jury trial, but I have been in
22 trouble several times in my life, and some of them times, I
23 wasn't in trouble, it was put on me for them to judge me, and
24 I'm not going to judge back. So I don't -- you know, God, to
25 me, is the only one who judges.

1 Q You never got convicted of anything, right?

2 A Oh, yeah.

3 Q Oh, you did get convicted?

4 A Oh, yeah. But when you come from a small town in north
5 Florida, they kind of -- they get you.

6 Q So look around, look at all of the fellow citizens you have
7 here, these are the folks that are available to make a judgment
8 about my client, Mr. Saunders.

9 A I think they can do a lot better job than I can.

10 Q That was going to be my question, but I'll accept your
11 answer, thank you.

12 EXAMINATION

13 BY MR. ROTH:

14 Q Ms. Morris-Clarke, you are sort of in the same position,
15 right? You are afraid that if you go into that jury room, you
16 and 11 other citizens, and you're called upon to render a
17 verdict, to come to a unanimous conclusion in this case, you
18 are an afraid that you might come to the wrong conclusion, is
19 that a fair summation of your problem?

20 A Yes, yes.

21 Q So do you understand that before Mr. Saunders could ever be
22 judged by this jury guilty of any offense, that all of you
23 would have to come to the unanimous conclusion that as to at
24 least one of the charges, the Government proved its case to the
25 exclusion of every reasonable doubt, because the law protects a

1 defendant in that way.

2 Knowing that and being familiar with that aspect of
3 the law, does that give you any comfort that you could perform
4 this civic obligation?

5 A I guess not.

6 Q So under no circumstances do you feel you could be a --

7 A I can't.

8 MR. ROTH: Okay, thank you.

9 THE COURT: Four minutes.

10 MR. ROTH: Thank you, Judge.

11 EXAMINATION

12 BY MR. ROTH:

13 Q And Ms. Fraser, I think you said you're concerned that as
14 an individual, you are just too compassionate to do this.
15 Really?

16 A I'm a nurse, so I have to be compassionate to everybody, I
17 just don't see that I can -- just I think with my heart and I
18 think that it's going to get in the way of looking at the
19 evidence and putting my feelings aside from the evidence, and I
20 don't want to be, you know --

21 Q You don't want to make a mistake?

22 A Yeah.

23 Q And you think that being compassionate towards people would
24 tend to make you think that the evidence does not exclude a
25 reasonable doubt.

1 A Yes.

2 Q Okay. The burden of proof on the Government is a very
3 great burden in a criminal case, to the exclusion of every
4 reasonable doubt. Do you think your compassion would get in
5 the way of that?

6 A Yes, I do.

7 Q You think you would make the burden even greater on the
8 Government?

9 A Uh-huh.

10 MR. ROTH: Okay. That's going to be it for me, thank
11 you very much.

12 THE COURT: Thank you, Mr. Roth.

13 May I see the attorneys very briefly at sidebar.

14 (Following proceedings were had in bench conference)

15 THE COURT: Before we break so that we can make our
16 selections, I wanted to inquire whether either of you thought
17 that any private discussion was warranted for any additional
18 jurors.

19 MR. McMILLAN: The Government does not, Your Honor.

20 MR. ROTH: Neither does the Defense, Judge.

21 THE COURT: Okay. Thank you, that is all for now.

22 MR. McMILLAN: Thank you, Your Honor.

23 (Proceedings in open court)

24 THE COURT: All right. That concludes the attorney
25 portion of this phase. What is going to happen now, ladies and

1 gentlemen, is we are going to break for about 20 minutes so
2 that I and the lawyers can make appropriate selections for the
3 jury in this case.

4 So for this 20 minute period, again, please leave
5 you're paddles here, and you may return to the jury assembly
6 room. Do not leave the courthouse and return promptly to this
7 floor in 20 minutes. Thank you.

8 All ruse for the jury.

9 (The venire panal retired from the courtroom at
10 12:36 p.m.)

11 THE COURT: We are going to take a five minute
12 restroom break and please return to the courtroom.

13 (Recess was had at 12:36 p.m.; and the proceedings
14 resumed at 12:43 a.m.)

15 THE COURT: All right. We will now begin the jury
16 selection process.

17 We will start first with any for cause challenges,
18 and then proceed one by one after that, so first any for cause
19 challenges?

20 Excuse me, I just want to make sure that nobody is in
21 the courtroom that shouldn't be here.

22 Are you a witness, ma'am?

23 MR. McMILLAN: She's good.

24 THE COURT: All right. We do have limited time, sir,
25 so I do want to get started. Are you prepared, Mr. McMillan?

1 MR. McMILLAN: I am, Your Honor.

2 THE COURT: Mr. Roth?

3 MR. ROTH: Yes, Your Honor.

4 THE COURT: All right. As I said, no back strikes,
5 and we are going to start with any for cause challenges, so
6 Mr. McMillan, any for cause challenges?

7 MR. McMILLAN: Do you want them all at once or go
8 through them individually?

9 THE COURT: Individually. What is your first for
10 cause challenge?

11 MR. McMILLAN: Number 1.

12 MR. ROTH: Agreed.

13 THE COURT: Okay. I just want to be sure we don't
14 talk over one another, so let's go slowly.

15 The Government has moved to dismiss for cause Juror
16 Number 1, any objection, Mr. Roth?

17 MR. ROTH: No, Your Honor, I agree.

18 THE COURT: Okay.

19 Juror Number 1 is stricken for cause.

20 Mr. Roth, do you have any for cause challenges?

21 MR. ROTH: Yes, Your Honor, one at a time, right?

22 THE COURT: Yes.

23 MR. ROTH: I would like a whole jury of Juror
24 Number 7, but I don't think she is able to fulfill her
25 responsibilities.

1 THE COURT: Mr. McMillan, any objection to a for
2 cause strike as to Juror Number 7?

3 MR. McMILLAN: None, Your Honor, no.

4 THE COURT: Juror 7 is stricken for cause.

5 Mr. McMillan, any for cause challenges?

6 MR. McMILLAN: Yes, Your Honor, Juror Number 29 --
7 I'm sorry, Juror Number 26.

8 THE COURT: Ms. Fraser?

9 MR. McMILLAN: Yes, Your Honor.

10 THE COURT: Mr. Roth, any objection to a for cause
11 challenge as to Juror 26?

12 MR. ROTH: No, Your Honor.

13 THE COURT: Juror 26 is stricken for cause.

14 Mr. Roth, any additional for cause?

15 MR. ROTH: Yes, Your Honor. Juror 29, who was
16 concerned about illegals jumping the line and didn't think she
17 could judge fairly in this case.

18 THE COURT: Use the microphone.

19 MR. ROTH: Sorry. Should I repeat that?

20 THE COURT: No, that's okay.

21 Mr. McMillan, any objection to a for cause as to
22 Juror 29?

23 MR. McMILLAN: No, Your Honor. I don't think she was
24 sufficiently rehabilitated to make it past that, so we have no
25 objection.

1 THE COURT: So Juror 29 is stricken for cause.

2 Mr. McMillan, any other for cause challenges?

3 MR. McMILLAN: I think that both of us would agree
4 that Juror Number 30, for obvious reasons, is probably
5 physically incapable of doing his best on this, so due to his
6 working the night shift and having limited to no sleep, so --

7 THE COURT: Okay. Any objection, Mr. Roth?

8 MR. ROTH: No, Your Honor.

9 THE COURT: Okay. Juror 30 is stricken for cause due
10 to his work schedule and inability to be alert during trial.

11 All right. Mr. Roth, let's continue on, any
12 additional for cause?

13 MR. ROTH: I have one additional, Ms. Meno, Juror
14 Number 40. Her daughter is in the Border Patrol, and she
15 wasn't certain that she could be fair, she said it was dicey.

16 THE COURT: Okay. Mr. McMillan, what is your
17 position?

18 MR. McMILLAN: Your Honor, I believe that when I had
19 the opportunity to question her personally, when she had an
20 opportunity to think about it and go back through that, she
21 answered the question that she could follow the Court's
22 instructions and could be fair and impartial, and that she was
23 sure she could do it, so I think at the end of the day,
24 although it is obviously up to Your Honor's discretion, I don't
25 believe she, at the end of the day, indicated that she couldn't

1 be fair and impartial, and in fact, indicated that she could be
2 fair and impartial and put the fact that her daughter was
3 employed by CBP aside and just listen to the evidence.

4 THE COURT: I get your position, thank you. I'm
5 going to overrule you're position, I think the record is
6 sufficiently clearly that she has some serious doubts about her
7 ability to be fair and she ultimately said she was not sure
8 after extensive questioning, so Juror 40 will be dismissed for
9 cause.

10 Mr. McMillan, any other for cause challenges from the
11 Government?

12 MR. McMILLAN: Juror 37, Your Honor, Cameron Sandel.
13 He is the individual who stated he was a vocational minister
14 and thought our system was so flawed, he couldn't put aside his
15 feelings and follow the law.

16 THE COURT: All right. Mr. Roth, what is your
17 position?

18 MR. ROTH: I believe he ultimately indicated that he
19 would be fair and he would follow the law, over and above any
20 personal feelings that he has, so I would object.

21 THE COURT: All right. I ultimately agree with the
22 Defense on this one as well. Although there was initially some
23 concern, he ultimately answered satisfactorily, although, of
24 course, Mr. McMillan you have peremptories to use if you choose
25 to, so Mr. Sandel, Number 37, will stay at this point.

1 Any other for cause challenges from either side, let
2 me turn to Mr. McMillan first?

3 MR. McMILLAN: Juror Number 42, Your Honor, Leodina
4 Ann Marie, it is spelled B-R-A-U-N on the juror list, but I
5 believe she spelled it B-R-Y-A-N when the Court inquired of
6 her.

7 THE COURT: That's correct.

8 MR. McMILLAN: She indicated she could not put aside
9 her feelings and follow the instructions.

10 THE COURT: All right. Mr. Roth, what is your
11 position?

12 MR. ROTH: She did use the statement -- she did say
13 that she can't be fair, so I guess I agree with the Government.

14 THE COURT: All right. Juror 42 will be stricken for
15 cause, and I concur given the prospective juror's statements.

16 All right. Last call for for cause challenges.

17 MR. McMILLAN: We have no further challenges, Your
18 Honor.

19 MR. ROTH: That's all I have for cause, Your Honor.

20 THE COURT: Okay. All right. So as I said, again,
21 no back strikes, we are going to start with the Government and
22 go one by one.

23 You can't reserve unused peremptories for alternates,
24 we are going to be using 12 jurors and two alternates.

25 Any questions, Mr. McMillan?

1 MR. McMILLAN: We are fine with Juror Number 2, Your
2 Honor.

3 THE COURT: I haven't gotten that far yet. I'm just
4 saying, any general questions about jury selection before we
5 begin?

6 MR. McMILLAN: No, Your Honor.

7 THE COURT: Mr. Roth?

8 MR. ROTH: No, Your Honor.

9 THE COURT: Mr. McMillan, accept or reject Juror
10 Number 2?

11 MR. McMILLAN: We accept her, Your Honor.

12 THE COURT: Mr. Roth, accept or reject Juror 2.

13 MR. ROTH: Accept.

14 THE COURT: Juror 2 will be accepted, and be our
15 first juror.

16 Mr. Roth, accept or reject Juror Number 3?

17 MR. ROTH: Accept.

18 THE COURT: Mr. McMillan, accept or reject Juror
19 Number 3?

20 MR. McMILLAN: We will take Juror Number 3, Your
21 Honor.

22 THE COURT: Juror Number 3 is accepted and will be
23 our second juror.

24 Mr. McMillan, accept or reject Juror Number 4?

25 MR. McMILLAN: Accept, Your Honor.

1 THE COURT: Mr. Roth, accept or reject
2 Juror Number 4?

3 MR. ROTH: Accept, Judge.

4 THE COURT: Juror Number 4 will be accepted and serve
5 as Juror Number 3.

6 Mr. Roth, accept or reject Juror Number 5?

7 MR. ROTH: Defendant accepts.

8 THE COURT: Mr. McMillan, accept or reject Juror
9 Number 5?

10 MR. McMILLAN: We will exercise our first peremptory
11 challenge on Number 5, Your Honor.

12 THE COURT: All right. The Government has exercised
13 its first peremptory as to Juror Number 5.

14 Mr. McMillan, accept or reject Juror Number 6?

15 MR. McMILLAN: Accept, Your Honor.

16 THE COURT: Mr. Roth, accept or reject Juror
17 Number 6?

18 MR. ROTH: We reject.

19 THE COURT: Juror Number 6 is rejected and Defense
20 has used a peremptory, its first peremptory.

21 Skipping over Juror 7, who was dismissed for cause,
22 Mr. McMillan, accept or reject Juror Number 8?

23 MR. McMILLAN: We will excuse Number 8, Your Honor.

24 THE COURT: Government has exercised its second
25 peremptory.

1 Mr. Roth, accept or reject Juror Number 9?

2 MR. ROTH: Reject, Your Honor.

3 Mr. McMillan, accept or reject Juror 10?

4 MR. McMILLAN: Accept 10, Your Honor.

5 THE COURT: Mr. Roth, accept or reject Juror 10?

6 MR. ROTH: Reject.

7 THE COURT: Mr. Roth, accept or reject Juror 11?

8 MR. ROTH: Accept.

9 THE COURT: Mr. McMillan, accept or reject Juror 11?

10 MR. McMILLAN: Accept, Your Honor.

11 THE COURT: Mr. Decker, Juror 11, is accepted and
12 will be Juror Number 4.

13 Mr. McMillan, accept or reject Juror Number 12?

14 MR. McMILLAN: Accept, Your Honor.

15 THE COURT: Mr. Roth, accept or reject Juror 12?

16 MR. ROTH: Reject.

17 THE COURT: Defense has used its fourth peremptory.

18 Mr. Roth, accept or reject Juror 13?

19 MR. ROTH: Reject.

20 THE COURT: Defense has used its fifth peremptory.

21 Mr. McMillan, accept or reject Juror 14?

22 MR. McMILLAN: Accept, Your Honor.

23 THE COURT: Mr. Roth, accept or reject Juror 14?

24 MR. ROTH: Accept.

25 THE COURT: Juror 14 is accepted and will be Juror

1 Number 5.

2 Mr. Roth, accept or reject Juror 15?

3 MR. ROTH: Accept.

4 THE COURT: Mr. McMillan, accept or reject Juror 15?

5 MR. McMILLAN: We will excuse Number 15, Your Honor.

6 THE COURT: Number 15, the Government has used its
7 third peremptory.

8 Mr. McMillan, accept or reject Juror 16?

9 MR. McMILLAN: Accept, Your Honor.

10 THE COURT: Mr. Roth, accept or reject Juror 16?

11 MR. ROTH: Accept.

12 THE COURT: Juror 16 will be accepted and will be
13 Juror Number 6.

14 Mr. Roth, accept or reject Juror 17?

15 MR. ROTH: Accept.

16 THE COURT: Mr. McMillan, accept or reject 17?

17 MR. McMILLAN: Accept, Your Honor.

18 THE COURT: Juror 17 is accepted and will be Juror
19 Number 7.

20 Mr. McMillan, accept or reject Juror 18?

21 MR. McMILLAN: We accept, Your Honor.

22 THE COURT: Mr. Roth, accept or reject Juror 18?

23 MR. ROTH: Accept.

24 THE COURT: Juror 18 is accepted and will be Juror
25 Number 8.

1 Mr. Roth, accept or reject Juror 19?

2 MR. ROTH: Accept.

3 THE COURT: Mr. McMillan, accept or reject Juror 19?

4 MR. McMILLAN: Accept, Your Honor.

5 THE COURT: Juror 19 is accepted and will be Juror
6 Number 9.

7 Mr. McMillan, accept or reject Juror 20?

8 MR. McMILLAN: Accept, Your Honor.

9 THE COURT: Mr. Roth, accept or reject Juror 20?

10 MR. ROTH: Accept.

11 THE COURT: Juror 20 will be accepted and will be
12 Juror Number 10.

13 Mr. Roth, accept or reject Juror 21?

14 MR. ROTH: Accept.

15 THE COURT: Mr. McMillan, accept or reject Juror 21?

16 MR. McMILLAN: Accept, Your Honor.

17 THE COURT: Juror 21 will be accepted, and will be
18 Juror Number 11.

19 Mr. McMillan, accept or reject Juror 22?

20 MR. McMILLAN: We will excuse Mr. Francisco, Juror
21 22, Your Honor.

22 THE COURT: Government has used its fourth
23 peremptory.

24 Mr. Roth, accept or reject Juror 23?

25 MR. ROTH: Accept.

1 THE COURT: Mr. McMillan, accept or reject Juror 23?

2 MR. McMILLAN: Accept, Your Honor.

3 THE COURT: Juror 23 is accepted and will be Juror
4 Number 12.

5 Each side will now be given one peremptory for
6 alternates.

7 Mr. McMillan, accept or reject Juror 24?

8 MR. McMILLAN: We will exercise a peremptory on 24,
9 Your Honor.

10 THE COURT: All right. The Government has used all
11 of its peremptories.

12 Mr. Roth, accept or reject Juror 25?

13 MR. ROTH: Reject.

14 THE COURT: Defense has used a peremptory and is also
15 out of peremptories, which means that Jurors 27 and 28 will be
16 our alternates.

17 Is that consistent with the parties' understanding,
18 Mr. McMillan?

19 MR. McMILLAN: It is, Your Honor.

20 THE COURT: Mr. Roth?

21 MR. ROTH: That was 27 and 28 as alternates?

22 THE COURT: Yes.

23 MR. ROTH: Yes, that's consistent.

24 THE COURT: Okay. I'm going to read out loud the
25 names of the jurors as follows:

1 Juror Number 2, Ms. Lydia Miranda; Juror Number 3,
2 Ms Sherri Carr; Juror Number 4, Mr. Arjuna Weragoda; Juror
3 Number 11, Mr. Leonard Decker, Sr.; Juror Number 14,
4 Ms. Georgette Brown; Juror Number 16, Ms. Ann Lauberte; Juror
5 Number 17, Mr. Jerrine Lang -- I'm sorry, Ms. Jerrine Lang;
6 Juror Number 18, Brady Wallace; Juror 19, Brenda Trigg; Juror
7 20, Breyanna Harvard; Juror Number 21, Sally Kennedy; Juror 23,
8 Revatie Achahbar; and alternates are Juror 27, Pamela Beaumont
9 and Juror 28, Daniel Scott Gallo, Jr.

10 Is that consistent with your list, Mr. McMillan?

11 THE COURT: It is, Your Honor.

12 Mr. Roth?

13 MR. ROTH: Yes, it is.

14 THE COURT: Okay. Well, then let's call the jurors
15 in to announce the jury.

16 Ms. Cassisi, do we have everybody?

17 THE COURTROOM DEPUTY: Yes, Your Honor.

18 THE COURT: All right.

19 (Venire panel entered courtroom at 1:03 p.m.)

20 THE COURT: Okay, ladies and gentlemen, thank you
21 again for your continued patience.

22 I'm going to read out loud the names of the
23 individuals who have been chosen to serve on this jury. I ask
24 that everybody remain seated while I do this, and not leave the
25 courtroom.

1 Please listen carefully to the following names of the
2 individuals who will be serving on this jury.

3 Lydia Elizabeth Miranda; Sherri Lynn Carr, Arjuna
4 Weragoda; Leonard Vincent Decker, Sr.; Georgette Brown; Ann
5 Lauberte; Jerrine Lang; Brady Royce Wallace; Brenda Trigg;
6 Breyanna Harvard; Sally Ann Kennedy; Revatie Achahbar; Pamela
7 Lynn Beaumont and Daniel Scott, Jr.

8 If I called your name, you will stay in this
9 courtroom to be sworn in as a juror in this case. If I have
10 not called your name, then you have not been selected to sit on
11 this jury.

12 I want to thank you all, as I did at the outset, for
13 taking time of your personal and professional lives to be with
14 us here today and to again impress upon you the importance of
15 jury service in our country and its integral part of our
16 criminal justice system.

17 With that, my sincere gratitude to all of you.
18 Please do leave your paddles where your chairs are or on the
19 jury box counter and you may return to the jury assembly room
20 to receive any further instructions. But again, the folks
21 whose names I called out loud, please do stay in the courtroom.

22 With that, all rise for the jury.

23 (The venire panel retired from the courtroom at

24 1:05 p.m.)

25 THE COURT: You may be seated. I know you are

1 probably antsy for lunch, and we are almost there.

2 What is going to happen now, ladies and gentlemen, is
3 Ms. Cassisi will swear you in as the jury in this case, but
4 before we do that, we need to get you all situated in the jury
5 box. So if you could all, from the gallery, rise and make your
6 way over to the jury box and then please let's get everybody
7 seated in the right spots.

8 (Pause in proceedings.)

9 THE COURT: All right, thank you. Please stand to be
10 sworn in.

11 THE COURTROOM DEPUTY: Please all raise your right
12 hands.

13 (Jury duly sworn)

14 THE COURT: All right. Ladies and gentlemen, before
15 we break for lunch, which will be one and a half hours in
16 length, so we will resume at 2:40, I do want to advise you of
17 some very important reminders and cautionary notes to keep in
18 mind.

19 You are prohibited from talking about this case with
20 anyone until you commence your deliberations. So while you can
21 inform your employer or family members that you are here in
22 trial, you are simply forbidden from talking about this case.
23 That includes speaking, of course, with any of the attorneys or
24 parties in this case. If you should see them, don't take
25 offense, they are simply prohibited from speaking with you.

1 This also includes a flat prohibition on accessing
2 the internet to research this case or to use any means of
3 social media or internet related activity to do research about
4 this case, or to comment about this case.

5 I will have more detailed instructions about all of
6 these important reminders, but now that we are breaking for
7 lunch, I do want to make sure you are all aware of those
8 important principles.

9 So with that, I wish you a pleasant lunch. As I
10 said, we will be back at 2:40 to hear additional instructions
11 from me, and then to hear from the parties with opening
12 statements, and then the presentation of witnesses.

13 Mr. McMillan.

14 MR. McMILLAN: Your Honor, may I see you at sidebar
15 for just one second, please, with Counsel?

16 THE COURT: Sure.

17 (Following proceedings were had in bench conference)

18 MR. McMILLAN: Does the Court mind instructing and
19 explaining to them that we can't talk to them so they don't
20 hold it against us if we are not smiling at them in the
21 hallway.

22 THE COURT: I just said that.

23 MR. McMILLAN: I'm sorry, I didn't hear that.

24 THE COURT: Please try to pay attention. Anything
25 else?

1 MR. ROTH: No, Your Honor.

2 (Proceedings in open court)

3 THE COURT: All right. That's all for now, so see
4 you at 2:40. All rise for the jurors.

5 (The jury retired from the courtroom at 1:11 p.m.)

6 THE COURT: All right. I'll see the attorneys at
7 2:20 to discuss any legal evidentiary issues, but before we
8 break, any pressing matters, Mr. McMillan?

9 MR. McMILLAN: No, Your Honor.

10 THE COURT: Mr. Roth?

11 MR. ROTH: No, Judge.

12 THE COURT: Okay. Have a nice lunch.

13 (A lunch recess was had at 1:12 p.m.; proceedings resumed
14 at 2:28 p.m.)

15 THE COURT: Thank you. You may be seated.

16 All right. The jury should be getting situated to
17 start again at 2:40. I did, though, want to cover any
18 outstanding issues on the evidentiary or legal side before we
19 begin.

20 I'll turn first to Mr. McMillan.

21 MR. McMILLAN: Nothing, Your Honor.

22 THE COURT: Okay. Anything from Mr. Roth?

23 MR. ROTH: Judge, before opening statement, I would
24 like the Court to make a ruling on the admissibility of the
25 text messages and ask the Court to do a 403, 404 analysis.

1 THE COURT: Can you get closer to the microphone.

2 MR. ROTH: Yes, Your Honor.

3 Judge, they are highly prejudicial. They don't prove
4 anything that adds to the material facts of the case. My
5 intention had been to stay away from them, and I would ask the
6 Court to not let them in.

7 I also don't see any reason for the Government to
8 introduce Mr. Saunders' proffer letter, I don't think that's
9 probative of any of the facts alleged in the case.

10 THE COURT: Okay. So let's turn first to the issue
11 of the text messages. I don't believe these texts were
12 initially listed in the Government's exhibit list, probably
13 because they hadn't been identified by you as potential
14 exhibits, is that correct, Mr. Roth?

15 MR. ROTH: I think so. I think that I initially
16 raised the issue of the relevance of the text messages and then
17 when I recognized that they were, in all likelihood,
18 inauthentic, I determined that I would not use them.

19 THE COURT: Okay. So what is your exact argument for
20 exclusion?

21 MR. ROTH: In no way are they probative of whether or
22 not Mr. Saunders brought 76 aliens to the United States for
23 financial gain.

24 THE COURT: All right. Mr. McMillan, what is your
25 intent with respect to these two exhibits?

1 MR. McMILLAN: As an initial matter, Your Honor,
2 would the Court like to see the exhibits in question?

3 THE COURT: Yes.

4 MR. McMILLAN: May I approach?

5 THE COURT: You may. Also, that got me thinking, do
6 you have a binder of all of your exhibits for the Court or any
7 other mechanism by which I could follow along?

8 Normally I'm given a binder with the exhibits in
9 advance, and I understand I didn't make that explicitly clear,
10 so if you don't have it, next time I'll make that's more
11 evident.

12 MR. McMILLAN: Your Honor, we may, in that we
13 commonly make a copy of everything because we have to file the
14 exhibits at the end of trial. I may have -- I think it may be
15 in that small --

16 THE COURT: All right. I don't want to take away
17 your originals or disturb your system. So for now, I'll just
18 follow along as you present the exhibits, but I will see the
19 two that you are discussing.

20 MR. McMILLAN: Yes, Your Honor. For the record,
21 these have been marked for identification as Government's
22 Exhibits 117 and 118.

23 THE COURT: All right, I have seen these two
24 exhibits. What is your argument, Mr. McMillan?

25 MR. McMILLAN: Your Honor, first of all, as to the

1 issue of authenticity, these are statements -- these are
2 admissions by a party opponent; that is the Defendant. They
3 were found in his cell phone, which he identified as his
4 cell phone. Indeed, he identified these messages to Special
5 Agent Woodbury when he was originally interviewed.

6 The reason why these are relevant is because the
7 Defendant is charged with illegal alien smuggling for profit.
8 As the Court is aware from the withdrawal of his guilty plea,
9 his defense in this case appears to be, I got paid, but I
10 didn't do it for profit, come to the United States.

11 Now, his position in his statements with Special
12 Agent Woodbury was that he only intended on going from -- I
13 believe it was Bimini to Nassau to Freeport and any trip beyond
14 that was not his intention originally, but he fully agreed that
15 he got paid \$5,000 to go and do this.

16 Now, the issue here is that he attempted to go and
17 manufacture himself a duress defense in advance, and that is by
18 sending himself the threatening text messages that Your Honor
19 has in front of Your Honor, and he did that the evening before
20 they departed at 7:00 o'clock in the morning for the Bahamas
21 en route to the United States. Those text messages were sent
22 early on the 22nd, after midnight, and we were reading those
23 after Defense Counsel brought the issue to our attention, and
24 quite frankly, they seemed rather uncharacteristic of a
25 legitimate threat.

1 I mean, ordinarily someone doesn't go and write the
2 person, threatening them back, detailing exactly what kind of
3 awful things were done to them. That usually makes the
4 threatener even more upset than they were originally.

5 Special Agent Woodbury went and examined the
6 Defendant's cell phone and found an application called Text Now
7 inside the Defendant's cell phone, which again, the Defendant
8 not only consented to a search of, in addition to the Customs
9 search aspect of things, but identified this as supposedly a
10 threatening message being made to him.

11 Well, it turns out that he sent himself that text
12 message, and we can establish that merely by looking at the
13 Defendant's phone or Special Agent Woodbury can. This is
14 relevant because the Defendant manufacturing a coercion defense
15 in advance, I would submit, is clearly evidence of, first of
16 all, consciousness of guilt in advance, preparation for this
17 and it's part of the res gestae of the actual smuggling event
18 itself.

19 This wasn't done days or weeks in advance, it was
20 done at the commencement of this trip, so it was done clearly
21 in preparation for this very trip as a defense, which he
22 attempted to use, just unsuccessfully, so that manifests
23 consciousness of guilt. And what kind of person would go and
24 prepare a defense if he really thought, as he claims, that he
25 only intended on bringing these people from one island to the

1 other in the Bahamas, which according to the statements to
2 Special Agent Woodbury, he believed to be perfectly legal
3 because they couldn't be in the Bahamas without having received
4 visas from the Bahamas. He would have had no motivation to go
5 and create this faked evidence of threats having been made to
6 him.

7 And so I think it's entirely relevant and for a
8 number of reasons, but primarily to establish that this episode
9 or this venture was done for purposes of profit, he knew he was
10 coming to the United States.

11 THE COURT: Is there anything in them that discusses
12 the profit specifically?

13 MR. McMILLAN: In the text messages, no.

14 THE COURT: Okay. So I guess to what extent are they
15 relevant to the financial gain component of the offense as
16 charged?

17 MR. McMILLAN: The Defendant has never denied the
18 financial gain aspect of him doing this, Your Honor. He was
19 quite open and honest about the fact he got paid \$5,000 to do
20 it. The question is whether he intended on coming to the
21 United States with these aliens, as opposed to an intra-Bahama
22 transfer of them from one island to the other, and he took the
23 position that that's what he signed up to do, and that
24 essentially he was kidnapped by these pirates and brought to
25 the United States, and that he wasn't responsible for any of

1 that.

2 And this goes to show that he prepared in advance a
3 fake defense and I would submit, and I think it can be argued
4 to the jury, knowing full well that he was the whole time
5 bringing these people to the United States because there is no
6 other motivation, there is no other justification or reason for
7 him to have made a fake text message threatening himself except
8 for that purpose.

9 I would also note that it is consistent with the fact
10 that he anticipated that he might be arrested by bringing a
11 roll of tape with him, a statement he made to the Codefendant
12 Rodriguez. He said to Rodriguez, All I need is my cell phone
13 and a roll of tape and I'm good.

14 THE COURT: Okay, okay. So now that the Defendant is
15 no longer, I understand, pursuing a duress or coercion defense,
16 knowing that, why do you still believe the texts are relevant?

17 MR. McMILLAN: I believe they are relevant for one
18 thing, Your Honor, because in the recording that we still have,
19 in the transcripts, the Defendant alludes to the fact that he
20 was threatened. Now, on one hand, it can be just left alone,
21 but it might cause the jurors to speculate as to, well, what
22 about the fact that he said he was threatened.

23 THE COURT: Okay.

24 MR. McMILLAN: And I think that we should have the
25 opportunity for Special Agent Woodbury to quite truthfully say,

1 I checked that out and there wasn't anything to it, and here's
2 why; it turned out to be the Defendant threatening himself.

3 THE COURT: And so these texts would be, if admitted,
4 coming in through Agent Woodbury, is that correct?

5 MR. McMILLAN: That is correct, Your Honor, he is the
6 one who found them in the Defendant's cellular phone.

7 THE COURT: When is Mr. Woodbury planning on
8 testifying in terms of sequence?

9 MR. McMILLAN: I anticipate at this juncture, it is
10 probably going to be tomorrow.

11 THE COURT: Were you planning on talking about these
12 text messages in your opening?

13 MR. McMILLAN: Yes.

14 THE COURT: And Mr. Roth, are you going to make any
15 reference in your opening to a duress defense in any way?

16 MR. ROTH: No, Your Honor, not unless the Court
17 approves the Government making that argument, and then I will
18 probably feel it necessary to respond.

19 THE COURT: All right. So what I'm going to do is
20 for now, not make a decision on these two text messages.

21 Mr. McMillan, you are not to refer to them in your
22 opening, and I will take the matter under advisement and issue
23 a ruling prior to the agent's testimony.

24 I think I understand the issues with respect to the
25 proffer letter, what's the basis of admitting the actual

1 proffer letter, Mr. McMillan?

2 MR. McMILLAN: Your Honor, I never sought to admit
3 the actual proffer letter.

4 THE COURT: I thought that's what Mr. Roth might have
5 alluded to, unless I misunderstood.

6 Mr. Roth.

7 MR. ROTH: I'm referring to Exhibit 113, the proffer
8 letter Defendant Saunders signed 3/16/23.

9 MR. McMILLAN: May I have the opportunity to finish,
10 Your Honor --

11 THE COURT: Certainly.

12 MR. McMILLAN: -- my statement.

13 I never intended on introducing that in my case in
14 chief, there is no reason to do so.

15 My primary concern was, number one, to advise Defense
16 Counsel and then the Court of the existence of the proffer
17 letter, because there is a wide range of things which can open
18 the door to admission of that information, and it's not just
19 the Defendant taking the stand at trial, and so I didn't want
20 to catch Your Honor or Mr. Roth off guard by not bringing this
21 to everybody's attention in advance.

22 Number two, if the Defendant elects to take the stand
23 and testify, it may become relevant and necessary to introduce
24 it there.

25 THE COURT: Okay.

1 MR. McMILLAN: Subject to Your Honor's ruling.

2 THE COURT: No, I understand the proffer letter does
3 refer to arguments, not just testimony. So okay, for now,
4 absent any opening the door to such content, I don't think it
5 is appropriate to admit the proffer letter, but that issue will
6 sort of remain in the background as the trial unfolds.

7 Getting back to the exhibit list, are there any --
8 looking basically at Government Exhibits 1 through 100,
9 Mr. Roth, do you have any objection to admission of Government
10 Exhibits 1 through 100?

11 MR. ROTH: No, Your Honor.

12 THE COURT: I'm going to go ahead then and admit
13 those 100 exhibits without objection to streamline things.

14 (Evidence admitted as Government Exhibits 1 through 100.)

15 MR. McMILLAN: Your Honor, is it Your Honor's
16 practice to read the stipulation or Counsel?

17 THE COURT: Counsel may do so. I will advise the
18 jury, you know, about what a stipulation is so they are
19 understanding.

20 Mr. Roth, do you have an objection to Mr. McMillan
21 reading that out loud?

22 MR. ROTH: No, Your Honor.

23 THE COURT: And that's marked as a separate exhibit,
24 correct?

25 MR. McMILLAN: It is marked as Government's Exhibit

1 16, Your Honor, and it is on the exhibit list, yes.

2 THE COURT: Okay. All right. Well, then I think we
3 have handled that. I did have a couple other things.

4 The hearing I had scheduled for tomorrow morning is
5 no longer happening, which means we will have our jury
6 conference at that time, at 8:30 tomorrow morning, rather than
7 tomorrow evening, so please prepare for that.

8 Mr. Roth, are there any other issues that I tabled,
9 other than the texts, the fake evidence texts that need a
10 ruling now?

11 MR. ROTH: No, Your Honor.

12 THE COURT: Okay. Well, then we will call in the
13 jury. Again, 35 minutes per side.

14 Mr. McMillan, I will call on you to begin and I'll
15 give you a five minute warning.

16 MR. McMILLAN: Thank you, Your Honor.

17 THE COURT: Okay. Bring them in, please.

18 (Jury in at 2:47 p.m.)

19 THE COURT: Please be seated.

20 Good afternoon, ladies and gentlemen. I hope you had
21 a pleasant lunch.

22 As promised, now that you have been sworn in, I'm
23 going to read to you some preliminary instructions and then we
24 will flow directly into opening statements.

25

PRELIMINARY INSTRUCTIONS TO THE JURY

THE COURT: Now that you have been sworn, I need to explain some basic principles about a criminal trial and your duty as jurors. These are preliminary instructions; at the end of the trial, I will give you more detailed instructions.

Duty of the jury: It will be your duty to decide what happened so you can determine whether the Defendant is guilty or not guilty of the crimes charged in the indictment. At the end of the trial, I will explain the law that you must follow to reach your verdict. You must follow the law as I explain it to you, even if you do not agree with the law.

What is evidence: You must decide the case solely on the evidence presented here in the courtroom. Evidence can come in many forms; it can be testimony about what someone saw or heard or smelled; it can be an exhibit admitted into evidence; it can be someone's opinion.

Some evidence proves a fact indirectly, such as a witness who saw wet grass outside and people walking into the courthouse carrying wet umbrellas. Indirect evidence, sometimes called circumstantial evidence, is simply a chain of circumstances that proves a fact. As far as the law is concerned, it makes no difference whether evidence is direct or indirect. You may choose to believe or disbelieve either kind, and you should give every piece of evidence whatever weight you think it deserves.

1 What is not evidence: Certain things are not
2 evidence and must not be considered as evidence, I will list
3 them for you now. For example, statements and arguments of the
4 lawyers; in their opening statements and closing arguments, the
5 lawyers will discuss the case, but their remarks are not
6 evidence.

7 Now, questions and objections of the lawyers. The
8 lawyers questions are not evidence either, only the witnesses'
9 answers to the questions are evidence. You had should not
10 think that something is true just because a lawyer's question
11 suggests that it is. For instance, if a lawyer asks a witness,
12 You saw the defendant hit his sister, didn't you, that question
13 is not evidence of what the witness saw or what the defendant
14 did, unless the witness agrees with it.

15 Now, there are rules of evidence that control what
16 can be received into evidence. When a lawyer asks a question
17 or offers an exhibit and the lawyer on the other side thinks
18 that it is not permitted by the rules of evidence, that lawyer
19 can object. If I overrule the objection, then the question may
20 be answered and the exhibit may be received.

21 If I sustain the objection, then the question cannot
22 be answered and the exhibit cannot be received. Whenever I
23 sustain an objection to a question, you must ignore the
24 question and try not to guess at what the answer would have
25 been.

1 Sometimes I might order that evidence be stricken and
2 that you disregard or ignore the evidence. That means that
3 when you are deciding the case, you must not consider the
4 evidence.

5 Some evidence is admitted only for a limited purpose.
6 When I instruct you that an item of evidence has been admitted
7 for a limited purpose, then you must consider it only for that
8 limited purpose and not any other purpose.

9 As we discussed earlier today, in reaching your
10 verdict, you may have to decide what testimony to believe and
11 what testimony not to believe. You may believe everything that
12 a witness says, part of it, or none of it.

13 In considering the testimony of any witness, you may
14 take into account various factors; the opportunity and ability
15 of the witness to see or hear the things the witness is
16 testifying to; the witness's memory; the witness's manner while
17 testifying; the witness's interest in the outcome of the case
18 and any bias or prejudice; whether other evidence contradicts
19 the witness's testimony; the reasonableness of the witness's
20 testimony in light of all of the evidence, and any other
21 factors that bear on believability. I will give you further
22 instructions for determining credibility of witnesses at the
23 end of the case.

24 Now, as I said, this is a criminal case and there are
25 some basic rules about a criminal case that you must keep in

1 mind. First, as I said, the Defendant is presumed innocent
2 until proven guilty. The indictment brought by the Government
3 against the Defendant is only an accusation, nothing more. It
4 is not proof of guilt or anything else. The Defendant,
5 therefore, starts out with a clean slate.

6 Second, the burden is on the Government until the
7 very end of the case. The Defendant has no burden to prove his
8 innocence or to present any evidence or to testify.

9 Since the Defendant has the right to remain silent
10 and may choose whether to testify, you cannot legally put any
11 weight on a defendant's choice not to testify, it is not
12 evidence.

13 Third, the Government must prove the Defendant's
14 guilt beyond a reasonable doubt. I will give you further
15 instructions on that point later, but please bear in mind that
16 the level of proof required is high.

17 Now, conduct of the jury, and we went over this a
18 little bit before we broke for lunch. Our law requires jurors
19 to follow certain instructions regarding their personal conduct
20 in order to help assure a just and fair trial. I will now give
21 you those instructions.

22 Do not talk, either among yourselves or with anyone
23 else, about anything related to the case. You may tell the
24 people with whom you live and your employer that you are a
25 juror and give them information about when you will be required

1 to be in court, but you may not discuss with them or with
2 anyone else anything related to the case.

3 Do not at any time during the trial request, accept,
4 agree to accept or discuss with any person any type of payment
5 or benefit in return for supplying any information about the
6 trial. You must promptly tell me about any incidents you know
7 of involving an attempt by any person to improperly influence
8 you or any member of the jury.

9 Do not visit or view the premises or places where the
10 crimes charged allegedly were committed, do not visit any other
11 premises or places involved in the case, and you must not use
12 internet maps or Google Earth or any other program or device to
13 search for a view of any location discussed in the testimony.

14 Do not read, watch or listen to any accounts or
15 discussions related to the case which may be reported by
16 newspapers, television, radio, the internet, or any other news
17 media, and do not attempt to research any fact issue or law
18 related to this case, whether by discussions with others, by
19 library or internet research or by any other means or source.

20 Again, this is an age of vast instant electronic
21 communications and research, I want to emphasize that in
22 addition to not talking face to face with anyone about the
23 case, as I said, you must not communicate with anyone about the
24 case by any other means; that includes telephone, text
25 messages, e-mail, internet, any chat rooms, blogs, social

1 networking websites, and apps like Facebook, Instagram,
2 Snapchat, YouTube or Twitter, and you may not use any similar
3 technology of social media, even if I haven't specifically
4 identified it here.

5 And along these same lines, you must not provide any
6 information about the case to anyone by any means whatsoever.
7 That includes, of course, posting information about the case on
8 any internet site, blog, chat room or similar platform.

9 And again, no Google or searching of any information
10 about the case or the law that applies to the case or the
11 people involved in the case. Our law does not permit jurors to
12 talk with anyone else about the case or to permit anyone to
13 talk to them about the case because only jurors are authorized
14 to render a verdict, only you have been found to be fair and
15 only you have promised to be fair. No one else is so
16 qualified.

17 Also, our laws do not permit jurors to talk among
18 themselves about the case until the Court tells them to
19 commence deliberations, again, because premature discussion can
20 lead to a premature decision.

21 All of these rules that I've gone over, ladies and
22 gentlemen, they are designed to help guarantee a fair trial and
23 our law accordingly sets forth serious consequences if these
24 rules are not followed. I trust that you understand and
25 appreciate the importance of these rules and in accord with

1 your oath and promise, I know you will do so.

2 Now on the subject of taking notes, if you wish, you
3 may take notes to help you remember what witnesses said, but if
4 you do take notes, please keep them to yourself until you and
5 your fellow jurors go to the jury room to begin deliberations
6 at the end of the case. Also, do not let the act of note
7 taking distract you from hearing what the witnesses have to
8 say, and when you leave the courtroom, your notes should be
9 left in the jury room.

10 Finally, whether or not you take notes, you should
11 rely on your own memory of what was said. Notes are there to
12 assist your memory only, and they are not entitled to any
13 greater weight than your memory or your impression about the
14 testimony.

15 The trial will now begin. First, the Government will
16 make an opening statement, which is simply an outline to help
17 you understand the evidence as it comes in. Next, the
18 Defendant's attorney may, but does not have to, make an opening
19 statement, and as I noted earlier, opening statements are not
20 evidence.

21 The Government will then present its witnesses and
22 Counsel for the Defendant may cross-examine those witness.
23 Following the Government's case, the Defendant may, if he
24 wishes, present witnesses whom the Government may
25 cross-examine, and then after all of the evidence is in, the

1 attorneys will present their closing arguments to you to
2 summarize and interpret the evidence, and then I will instruct
3 you on the law. After that, you will go to the jury room to
4 begin your deliberations.

5 That concludes my preliminary instructions, and we
6 will now hear an opening statement from Mr. McMillan.

7 Mr. McMillan.

8 MR. McMILLAN: Thank you, Your Honor. May it please
9 the Court.

10 OPENING STATEMENT ON BEHALF OF THE GOVERNMENT

11 MR. McMILLAN: Ladies and gentlemen of the jury,
12 myself and Special Agent Josh Woodbury are representing the
13 United States of America in this matter. And we are also
14 assisted today by Special Agent Ayesha Rahmon, (phonetic) in
15 case Special Agent Woodbury has to testify, she can run the
16 computers.

17 But we are representing the United States of America
18 in this matter in the prosecution of this case. At the end of
19 it, we submit to you that we will establish that that man,
20 Raymond Saunders, smuggled 76 individuals into the United
21 States of America from the Bahamas and he did so for purposes
22 of profit and that when he did that, he had already been
23 deported; that is, removed from the United States upon a
24 previous occasion and came back here knowingly, and that he did
25 so for purposes of profit.

1 One of the ways you are going to hear this, ladies
2 and gentlemen, perhaps the most damning evidence in this case,
3 will come from Raymond Saunders very own mouth itself. You
4 will listen to the recordings that were made by Special Agent
5 Woodbury when he interviewed him on two separate occasions.

6 You are going to have an opportunity to go and
7 individually see the Miranda warnings that he was given, that
8 he signed off on. You will be able to listen with your own
9 ears and see with your own eyes those interviews as the
10 Defendant explained to Special Agent Woodbury that he was paid
11 \$5,000 by the boss of the operation to go and bring these
12 Haitian people on board the boat.

13 One issue we are not going to have to spend a lot of
14 time on is whether the people who were on the boat were illegal
15 aliens; that is, people who are not natural born U.S. citizens
16 or had any legal right, for example, permanent resident aliens
17 in the United States, because there has been an agreement, what
18 we call a stipulation of the parties that says that each of the
19 individuals which are identified in counts 1 through 67 of the
20 indictment were, at all times material to this case, aliens;
21 that is, they were not natural born or naturalized citizens or
22 nationals of the United States, and that each of the persons
23 individually identified in counts 1 through 67 of the
24 indictment were, at all times material to this case, citizens
25 and nationals of the country of Haiti, with the exception of

1 LP, with a year birth of 1993 referenced in count 12 of the
2 indictment, who is a citizen and national of the Bahamas, and
3 that none of the foregoing individuals referenced in counts 1
4 through 67 in the indictment received prior official
5 authorization to come to, enter or reside in the United States,
6 so that aspect of this case is not in controversy.

7 What is in controversy is whether Raymond Saunders
8 did this for profit, and whether he intended to come to the
9 United States.

10 We also believe that the evidence will show you that
11 as to count 77 of the indictment, which charges Raymond
12 Saunders with having been previously deported from the United
13 States and intentionally trying to come back here and enter
14 into the United States, that he is guilty of that charge.

15 And finally, that he assisted another individual, and
16 I'll explain who that person is in another minute in more
17 detail, his name is Carlos Rodriguez-Rodriguez, and we will
18 just be calling him Carlos Rodriguez. His full family name is
19 Rodriguez-Rodriguez, but he is going to appear before you and
20 testify himself, and that's how we know a lot of the things I'm
21 about to tell you here in a second.

22 But he will tell you that he was a former drug
23 trafficker, he was arrested and convicted of trafficking over
24 5 kilograms of cocaine in the Southern District of Florida
25 years ago, around 2009. He went and he was sentenced by the

1 court, he eventually got his sentence reduced by cooperating
2 with the Government back then, and the court, when it reduced
3 his sentence for cooperating with the Government, then booted
4 him out of the country; not the court, but Immigration and
5 Customs enforcement went and removed Mr. Rodriguez and said,
6 Don't come back here again, you are convicted of an aggravated
7 felony and you are not allowed back in the United States."

8 And Mr. Rodriguez will tell you that in order to try
9 to go and earn money himself, he decided to go and become
10 involved in this venture with Defendant Saunders and he was
11 paid money, knowing full well that he was bringing these people
12 to the United States.

13 Now, a trial, and particularly the opening statement
14 in a trial, is a lot like a jigsaw puzzle, for those of us old
15 enough to remember jigsaw puzzles, in that you can get a
16 picture on the box that shows you what the thing is supposed to
17 look like, maybe a windmill in the Netherlands or something
18 like that, and that's what it is supposed to look like. When
19 you take it out of the box it has its pieces all over the place
20 and you spend your time trying to put those pieces together.

21 Well, this is a little bit like that. My opening
22 statement to you is to explain to you what you can anticipate
23 to see. Sometimes those pieces are not all stuck together when
24 they come out of the box. For example, you may find that the
25 exhibits, you may have Exhibit 1, 2, and, you know, 122,

1 because evidence doesn't always come in completely in a linear
2 fashion and sometimes the witnesses are taken out of order.

3 What we believe the evidence is going to show you,
4 ladies and gentlemen, in this case is that on February 22nd of
5 2023, Raymond Saunders was driving a boat, along with Carlos
6 Rodriguez, from the Bahamas to the United States, and that they
7 came to the area of the St. Lucie Inlet, which you will hear
8 evidence is located in Martin County in the Southern District
9 of Florida, and that when they did that, the boat driver almost
10 crashed into a bulkhead that was by the pilot lights at the
11 entry to the inlet.

12 Now, you will hear from two agents from Customs and
13 Border Protection by the name of Clayton Kimball and Jason
14 Dimart, who happened to be on duty that very night. This is
15 about 9:00 p.m. in the evening, so it was dark out when they
16 saw this boat.

17 As you can all imagine, since there were 76 people on
18 board, the illegal aliens compartment of the boat, which is
19 more than all of the people we had in here for the jury
20 selection, on board one boat. They went and they saw this
21 large boat coming towards them, what we would call a
22 Hatteras-type yacht, and as it came to the beginning of the
23 inlet, the officers or the agents, I should say, went and
24 noticed it starting veering off course of the greenlight, which
25 was signaling stay in the middle of this channel, and started

1 heading towards this jetty and almost smashed into it, which
2 probably would have sunk the boat, so they were concerned about
3 this and they will explain that to you when they testify here.

4 They immediately went over to the boat and they
5 turned on their emergency equipment to try to get it to stop so
6 they could go and talk to it, not knowing whether the driver
7 was drunk, what was going on. Instead, someone sticks their
8 head out, mumbles something incoherently, goes back in and
9 ignores the police activity behind them, so the agents will
10 tell you they immediately decided they needed to take action
11 before a terrible accident happened and immediately boarded the
12 boat, which they will also explain to you why they can legally
13 do that, by the way.

14 When they got on board the boat, all of a sudden,
15 they noticed two individuals in the top console area, which
16 controls the boat, as well as Agent Dimart will tell you he
17 started seeing, through the windows of the downstairs
18 compartment, all of these faces peering at him in the darkness
19 from the reflective light and all of a sudden realized
20 something highly unusual was going on here. He wasn't exactly
21 sure what, but he was pretty sure that he had just interdicted
22 an alien smuggling load of people because there were far more
23 faces looking at him than could reasonably be expected from an
24 ordinary party yacht or fishing expedition.

25 So they called for backup, and you will hear from a

1 Martin County Sheriff's Office deputy named James Holloran. He
2 will come in and testify that he immediately went down there
3 and provided backup to those officers and he will tell you what
4 he saw as well.

5 Now, when the two CBP officers went upstairs and
6 said, Shut this boat down, we need to go and inspect it, they
7 will tell you that they encountered defendant -- or Codefendant
8 Rodriguez-Rodriguez, and another individual whose name is Lubin
9 Phillip, L-U-B-I-N, P-H-I-L-L-I-P, upstairs, and they took them
10 into custody, because at this point, once Deputy Holloran had
11 arrived, it was pretty plain this was an alien smuggling
12 venture that needed further investigation.

13 They will tell you that they went and took
14 Rodriguez-Rodriguez downstairs, and he explained to them, No,
15 the boat captain is up there, he is up there.

16 Now, after all of these people were taken into
17 custody, the agents heard this tremendous banging from
18 somewhere in the ship, and so they went and they said, You know
19 what, I think someone is in the console, and guess what they
20 found? They found the Defendant, Raymond Saunders, inside a
21 little tiny compartment in the control console of the boat.

22 So they said, Come on out of there, whoever you are,
23 and you will be able to watch on videotape as Raymond Saunders
24 crawls on his own power out of that compartment and
25 Mr. Saunders has got packing tape, the type that people

1 commonly use for presents to loved ones when they are mailing
2 them, the clear plastic tape. You will see it, we will have it
3 as an exhibit in court, it is not duct tape, but rather the
4 clear plastic tape. He had some of this wrapped not on his
5 wrists, as you might imagine, but around his head and on his
6 legs. But the agents noticed, strangely enough, none of this
7 was on his hands.

8 And of course, he said, Oh, I was kidnapped by the
9 black man and the Dominican and they put me in here, and thank
10 heavens you rescued me, that was his initial story.

11 Now, as he was taken off the boat and the following
12 day, Defendant Rodriguez-Rodriguez is going to tell you that he
13 was interviewed and he found this very interesting that the
14 Defendant said that, because when they were planning this trip
15 to come to the United States, Defendant Rodriguez will tell
16 you, he asked Mr. Saunders, Do I need to bring my passport or
17 any documents with me in case we get stopped, and Saunders
18 response was, All I need is my cell phone and a roll of tape
19 and I'm good.

20 And we will show you and the evidence will suggest
21 that's exactly what the Defendant had in mind when he
22 disappeared into a compartment, according to Defendant
23 Rodriguez, with a roll of tape and his cell phone.

24 Now, with respect to the aliens on board, we will
25 also present the testimony of HSI Special Agent Josh Woodbury,

1 who I have introduced earlier, as well as ICE Officer Ronald
2 Anderson, and they will explain they processed the people on
3 board the boat, ensured that their identities were what they
4 were to the extent it was possible, and that they were all
5 Haitian nationals, and that's going to be very brief testimony
6 because of the stipulation, but we want you to go and see who
7 the people were that we are talking about.

8 With respect to Carlos Rodriguez, he will tell you
9 that there is no doubt that these people were fully intended to
10 be brought to the United States from the very beginning, from
11 his understanding. He was supposed to be paid in excess of
12 \$10,000 to go and make that trip.

13 He will tell you that when they first -- when I say
14 they, meaning him and Defendant Saunders, when Defendant
15 Saunders first noticed the Customs and Border Protection boat
16 starting to approach them, that he yelled -- Saunders yelled to
17 Rodriguez, the man, the man, you know, don't call me captain
18 anymore, and then he disappeared into the compartment with the
19 roll of tape and his cell phone.

20 You will also hear from Rodriguez-Rodriguez that the
21 program, which was used to go and steer the ship; that is,
22 their navigational program, was a program called Navionics,
23 which is an application which can be put on a person's Android
24 or iPhone and can be used and go and piolet -- get the
25 instructions for traveling from the Bahamas to the United

1 States.

2 Now, curiously, you will also find that that program
3 does not exist on Defendant's Saunders' phone, but Defendant
4 Saunders will tell you, after advice of his Miranda warnings,
5 and coming from his own mouth that that program was on his
6 phone and was used to navigate the trip.

7 Where did it go? You will hear when he disappeared
8 into that compartment, he took his cell phone and a roll of
9 tape with him.

10 Beyond that, ladies and gentlemen, what we need to go
11 and just look at is what are the elements of the offense, and
12 as the Judge has already explained, the Defendant is charged
13 with alien smuggling for profit in counts 1 through 76, so you
14 just have to determine whether the Government's proved beyond a
15 reasonable doubt that the Defendant brought these illegal
16 aliens here and did so for purposes of profit.

17 With respect to the reentry after deportation, you
18 have to find out whether he had been deported previously and he
19 intentionally came back into the United States.

20 Now, another thing I should point out to you is that
21 the evidence will establish that when a person is within three
22 nautical miles of the coastline, they are actually in the
23 United States of America. They don't actually have to set foot
24 on the ground to go and be here.

25 So that is one of the things that you can take into

1 consideration as to whether there was is intent to go and bring
2 these people, and in particular Mr. Rodriguez, who was the
3 aggravated felon, into the United States. Because we believe
4 the evidence will show you that Rodriguez could not go and do
5 this smuggling venture with Defendant Saunders unless they
6 entered within 3 miles of the United States to drop off the
7 illegal aliens. So to the extent that Saunders was driving the
8 boat, he was helping Rodriguez to enter the United States as
9 well for the purpose of dropping off these illegal aliens, and
10 that is the theory that the Government is pursuing. So on your
11 part, please look to see whether we have established that at
12 the end of this case.

13 Finally, ladies and gentlemen, none of us were there
14 when you received that letter in your mailbox with the strange
15 return address inviting you to come here today, and as Judge
16 Cannon already alluded to earlier, I realize that no one was
17 handing out robes when you entered the courthouse here this
18 morning, but while Judge Cannon is the absolute judge of the
19 law in this case, each and every one of you is going to be a
20 judge of the facts and we appreciate you devoting your time to
21 come here and give both sides a fair listening to the evidence.
22 And I'm convinced after you have the opportunity to go and
23 listen to that evidence that you will return a true verdict of
24 guilty as to Defendant Saunders on all of the counts alleged in
25 the indictment, specifically counts 1 through 76, 77 and 79 in

1 the indictment.

2 Thank you for your time.

3 THE COURT: Thank you, Mr. McMillan.

4 Just one moment, Mr. Roth.

5 MR. ROTH: One moment?

6 THE COURT: Yes, just one moment. You may use the
7 lectern, if you wish.

8 You may begin when you are ready.

9 MR. ROTH: Thank you, Judge. May it please the
10 Court, ladies and gentlemen of the jury.

11 OPENING STATEMENT ON BEHALF OF DEFENSE

12 MR. ROTH: Again, thank you for being here, and I
13 know I say that for everybody in the courtroom. There are not
14 that many sacrifices that we are called upon to make as
15 American citizens. In wartime, you may be called upon to serve
16 the country and even serve in combat, but this is one of the
17 things that is really a badge of citizenship, to be called to a
18 jury and participate in a jury. This is one of the things that
19 really makes us a free country, so we thank you from the bottom
20 of our hearts. The jury system has served us well since the
21 beginning of our country, and we thank you again.

22 Why the lawyers give an opening statement in a case,
23 from what I've understood and from the scholars, it has been
24 said that the opening statement is to give the jury a bird's
25 eye view of the case, because the way that the evidence is

1 presented in a jury trial is it is presented one witness and
2 one exhibit at a time. And the thought is that if you
3 understand what each lawyer thinks this case will prove,
4 overall, you will receive the evidence with some context and it
5 will help you gain a better understanding, so that's why we
6 give opening statements.

7 And like the Court instructed you, the statements of
8 the lawyers, it is just a statement of what they expect to
9 prove. It is not evidence in the case, it is what we think the
10 evidence is going to be. And as you can imagine, since this
11 case has gone from indictments all the way to a trial by jury,
12 there is a healthy difference of opinion among the lawyers as
13 to what the evidence shows.

14 In my view, the Government's case is really built on
15 a house of cards. You heard the Prosecutor refer often and
16 repeatedly to the evidence they will produce through their
17 witness, Carlos Rodriguez-Rodriguez, and that's the problem
18 with the case; Mr. Rodriguez. Not only is a convicted felon,
19 but I think when you hear from him, when you learn more about
20 him, you will find that Mr. Rodriguez is a witness not worthy
21 of belief.

22 What was Mr. Rodriguez's role in this case? I think
23 you will find that he greatly minimizes his role in this case,
24 and you will find out, in fact, that he is a licensed boat
25 captain, he is the captain of this boat.

1 We are going to ask you to try and listen carefully
2 and try to determine who put the Navionics software on
3 Mr. Saunders' phone, and who used it to navigate.

4 We are going to ask you to listen carefully to the
5 evidence and determine was Mr. Saunders hired to help transport
6 this ship from Nassau, Bahamas to Freeport, Bahamas. He is a
7 Bahamian, it is a difficult passage with shoals and so forth,
8 and he had expertise with the waters of the Bahamas.

9 Mr. Rodriguez is going to testify that he was going
10 to be paid up to \$25,000 for transporting these aliens to the
11 United States.

12 Mr. Saunders is found to have \$5,000 in Bahamian
13 money. He doesn't even have sufficient currency, if he were to
14 come to the United States with that ship, to buy gas to go
15 back.

16 I'm going to ask you to carefully examine the
17 evidence and try and determine whether the Government has
18 proven its case beyond a reasonable doubt and if it has proven
19 who actually captained the boat, who actually had the intent to
20 take these aliens from the Bahamas, Freeport is in the Bahamas,
21 to the United States. And I think the evidence will show that
22 it was the person who is going to be paid as much as \$25,000
23 for doing this, and not the young Bahamian man who has \$5,000
24 in Bahamian money to move the boat from Freeport to -- I'm
25 sorry, from Nassau to Freeport, excuse me.

1 The tape, the Government is going to make a big
2 issue, and the Government is going to take the position that
3 Mr. Saunders wasn't taped because he was somehow not wanting to
4 come to the United States, only intending to go to Freeport.

5 I'm going to ask you to pay careful attention. If
6 Saunders taped himself, then only his fingerprints or his DNA
7 would be on the tape. You should look carefully at the
8 evidence and see, was this tape examined, was it examined to
9 determine who else had fingerprints or DNA on this tape, and I
10 suggest to you the Government is going to ask you to simply
11 rely upon the testimony of Mr. Rodriguez, the convicted felon,
12 who, when he was previously convicted, got his sentence reduced
13 in half by snitching on the people in the conspiracy.

14 It's okay to snitch, that's the way it works. He is
15 a flip defendant in this case, also, but the question is, is he
16 credible, is he truthful? And shouldn't we have some
17 verification, when it could be scientifically shown through
18 fingerprints or DNA who actually put the tape on Mr. Saunders?

19 I think the first officer who reported seeing
20 Mr. Saunders, he said his hands were taped. Later, after
21 conferring with other officers, he wrote a supplemental report
22 and changed his findings.

23 It is a house of cards, it is just built on
24 Rodriguez. So at the end of the case, I'm going to ask you to
25 reject Mr. Rodriguez's testimony, because you can't prove

1 beyond and to the exclusion of every reasonable doubt based
2 upon the word and the testimony of a guy like Mr. Rodriguez, or
3 whatever his name is.

4 Mr. Rodriguez has spent a lot of time in the United
5 States, from California to New York, and I counted, he has over
6 30 aliases that he has used during the time he benefited from
7 living here in the United States among us.

8 That's what I think the case is about. I think the
9 case is about Mr. Rodriguez and Phillip. The prosecutor
10 mentioned he was identified as one of the crewmen on the boat,
11 one of the principles on the boat. For some reason, we don't
12 have his testimony, for some reason, the Government sent him
13 back to the Bahamas. He is a citizen of the Bahamas, he
14 claimed he couldn't speak English, he has a name that sounds
15 sort of like a Creole name, a French name Phillip, Lubin
16 Phillip. So what did they do, they just sent him back to the
17 Bahamas.

18 That's what the case is going to be about. It is
19 going to be based on Mr. Rodriguez, who at various times told
20 law enforcement that he is Dominican, that he is Mexican, that
21 he is an American citizen, that he is Peruvian. I'll leave it
22 in your hands, but I believe at the end of the case, a fair
23 verdict on all of these counts is not guilty because the case
24 will not be proven to the exclusion of any reasonable doubt.

25 Thank you.

1 THE COURT: All right. Thank you, Mr. Roth.

2 Mr. McMillan, call your first witness.

3 MR. McMILLAN: Your Honor, the United States calls
4 Special Agent Anthony Ojeda.

5 THE COURT: Good afternoon, sir. Please remain
6 standing for just a moment and be sworn in.

7 ANTHONY OJEDA, GOVERNMENT WITNESS, SWORN

8 THE COURTROOM DEPUTY: Please state your name,
9 spelling your last name for the record.

10 THE WITNESS: Anthony Ojeda, O-J-E-D-A.

11 MR. McMILLAN: Your Honor, does the Court need to
12 switch something on to let the Elmo go on?

13 Whenever you need that to be operative, let
14 Ms. Cassisi know.

15 DIRECT EXAMINATION

16 BY MR. McMILLAN:

17 Q Please state your name for the record.

18 A Anthony Ojeda, last name is spelled O-J-E-D-A.

19 Q How are you employed?

20 A I'm a special agent with HSI, Orlando, Florida.

21 Q How long have you been employed by that agency?

22 A Over 20 years.

23 Q Now, for those people who may be on the jury who haven't
24 heard of what HSI is, what is HSI?

25 A Homeland Security Investigations.

1 Q Okay. Now, it's an entity or a subpart of the Department
2 of Homeland Security?

3 A It is.

4 Q And people have heard of ICE, or Immigration and Customs
5 Enforcement, are you in ICE Agent?

6 A It is part of ICE, ICE is divided into two subagencies.
7 You have ERO and HSI, ERO handles the administrative
8 immigration removal portion; HSI is the criminal investigative
9 side.

10 Q Okay. So are the people who are what we call special
11 agents investigators?

12 A We are trained criminal investigators, yes, sir.

13 Q And those people, they work for which agency?

14 A Criminal investigators work solely for HSI.

15 Q And meanwhile, the ICE agents that we hear about frequently
16 in the press, are they uniformed officers typically?

17 A Typically, as they are talking about ERO officers, but in
18 general, they talk about all of us.

19 Q What does ERO stand for?

20 A Enforcement and Removal Operations.

21 Q So they are the people who arrest people and deport them?

22 A Correct.

23 Q And incidentally, we use the term deport because we all
24 know what that means, but legally, in your job, is there an
25 official legal term which is used?

1 A We typically call them removals.

2 Q So when you say removal, is that equivalent to being
3 deported from the United States?

4 A Correct.

5 Q Now, if I can direct your attention, Special Agent, to this
6 case, and specifically around February 22nd, 23rd of 2023, were
7 you on duty during that time period?

8 A I was temporarily assigned to the West Palm Beach office,
9 yes.

10 Q Okay. Because you are actually assigned to a different
11 part of the State of Florida ordinarily, would that be
12 accurate?

13 A Yes, sir.

14 Q Where is that place?

15 A Orlando, Florida.

16 Q So you were helping out in West Palm Beach during that time
17 period.

18 A I was.

19 Q And did you assist another agent who is present in this
20 courtroom during that time period?

21 A I did.

22 Q Who is that agent that you helped?

23 A The agent sitting behind you, Mr. Josh.

24 Q Okay. Special Agent Woodbury?

25 A Correct.

1 Q And were you asked to do something to assist him?

2 A During that specific time period, we had intercepted a boat
3 of individuals coming into the U.S., and once they separated
4 several individuals that were deemed were going to be arrested,
5 Mr. Woodbury asked me to verify some property that belonged to
6 the person who is sitting as a defendant today.

7 Q Were you aware that this was an unusually large number of
8 aliens for a maritime smuggling venture?

9 A It was, it was a large amount.

10 Q Okay. And were you personally aware as to whether a
11 mechanism was used by the U.S. Coast Guard -- well, was the
12 Coast Guard helping you?

13 A No, I was not working with the Coast Guard. When we got
14 there, the people had already been detained.

15 Q Okay. But when they were detained originally in this case
16 by CBP, were they taken someplace else for processing?

17 A After they were detained by the Coast Guard and CBP, the
18 people that were deemed arrestable were transported back to
19 land.

20 Q Okay. So they were in Coast Guard -- on a Coast Guard
21 cutter for a time period?

22 A Yes, 10 or 12 hours, I believe.

23 Q And while they were there, was some sort of processing done
24 to them --

25 A Correct.

1 Q -- to your knowledge?

2 Pardon me?

3 A Correct, sir.

4 Q Okay. Now, when the people are arrested under such
5 circumstances, do you know what happens to the clothes that
6 they have on, when they are arrested on board the smuggling
7 boat?

8 A I understand that the Coast Guard separates each
9 individual, has every individual place their property in a
10 plastic or paper bag, and they put -- they write their
11 information on each bag or each plastic receptacle where it is
12 placed.

13 Q Are they given an identification bracelet to go along with
14 that?

15 A Correct, correct.

16 Q In this case, did Defendant Saunders place his property in
17 a bag?

18 A When we received it, it had a number that corresponded to
19 the number he had on his bracelet and on his clothing, yes.

20 Q Did you go inside of that bag?

21 A I did.

22 Q Were you asked to look for a specific pair of items inside
23 of that bag?

24 A I was asked to go through the property to see if there was
25 anything out of the ordinary.

1 Q And did you find anything unusual in Defendant Saunders'
2 property?

3 A I located a pair of tennis shoes and upon closer inspection
4 of the tennis shoes, I found that each tennis shoe had a wad of
5 bills inside of it, Bahamian money to be exact.

6 Q Before you became a special agent with U.S. Customs, what
7 did you do for a living?

8 A I was a correctional officer, I was also a regular police
9 officer.

10 Q In what state or place?

11 A In Puerto Rico.

12 Q Okay. And did you have occasion to go and inspect people's
13 shoes in your former line of employment for contraband?

14 A It is commonplace to always search people -- individuals
15 that you detain.

16 Q Okay. And in this case, did you find anything unusual
17 inside of the sneakers?

18 A I found that each sneaker contained a wad of Bahamian
19 dollars. At the time, I didn't know the amount, but it was a
20 pretty thick stack of money in each sneaker.

21 Q Did you subsequently find out how much was in both
22 sneakers?

23 A I was told that it was 5,000 Bahamians dollars.

24 MR. McMILLAN: May I approach the witness, Your
25 Honor?

1 THE COURT: You may.

2 BY MR. McMILLAN:

3 Q I'm showing you what's been admitted as Government Exhibit
4 105, do you recognize this item?

5 A Yes, I do.

6 THE COURT: One moment.

7 May I see the attorneys at sidebar.

8 (Following proceedings were had in bench conference)

9 THE COURT: Okay. We previously admitted 1 through
10 100, we hadn't gotten to 105 yet, so I want to make sure you go
11 through the motions for those.

12 MR. McMILLAN: Certainly, Your Honor.

13 THE COURT: Okay.

14 (Proceedings in open court)

15 BY MR. McMILLAN:

16 Q Okay. If I could ask a couple of follow-up questions.

17 MR. McMILLAN: May I do them from here, Your Honor?

18 THE COURT: You may.

19 MR. McMILLAN: Thank you.

20 BY MR. McMILLAN:

21 Q Special Agent Ojeda, I'm showing you what's marked for
22 identification as Exhibit 105, do you recognize this
23 photograph?

24 A I do.

25 Q Did you personally see the items depicted in this

1 photograph?

2 A I did, because I took the photograph.

3 Q Okay. And does it fairly and accurately depict what you
4 saw on that date in this photograph?

5 A It does.

6 Q Are those your initials or someone else's that appear on
7 here?

8 A Those are not my initials.

9 Q Okay. But you did see this specific item and take a
10 photograph of it.

11 A Correct.

12 MR. McMILLAN: Your Honor, at this time, I would move
13 for admission of Government's Exhibit 105.

14 MR. ROTH: No objection.

15 THE COURT: Thank you, Mr. Roth.

16 Government's Exhibit 105 is admitted without
17 objection.

18 (Evidence admitted as Government Exhibit No. 105.)

19 MR. McMILLAN: May I publish, Your Honor?

20 THE COURT: You may.

21 MR. McMILLAN: I will need the -- thank you.

22 THE COURT: Ladies and gentlemen, if you don't see
23 the image appear on your screen, please let me know.

24 All right. We have a juror in the back whose monitor
25 is not turning on.

1 Is yours still not working, ma'am?

2 THE COURTROOM DEPUTY: I turned them off real quick.

3 THE JUROR: No, ma'am, it is not on.

4 THE COURT: Is everyone's working except for the lady
5 in the back?

6 Okay. Can you see on that monitor, ma'am?

7 THE JUROR: Yes.

8 THE COURT: We will have our IT person take a look at
9 that after trial today and hopefully fix it. For now, if it is
10 okay, I will ask that you use that monitor for reference.

11 Let's continue.

12 MR. McMILLAN: And with that, I tender the witness,
13 Your Honor.

14 THE COURT: Jurors, did you get a chance to see the
15 picture?

16 Yes, okay.

17 All right, we are all done then. Thank you.

18 Mr. Roth.

19 CROSS-EXAMINATION

20 BY MR. ROTH:

21 Q Agent Ojeda, where were you when you took that photograph?

22 A I was in a Border Patrol station where the Defendant was
23 detained.

24 Q Is that in West Palm Beach?

25 A I believe so, yes.

1 Q Were you the first agent to see the shoes with money in it?

2 A I was.

3 Q What about when he took the shoes off?

4 A When I inspected the shoes, the shoes were already in a
5 bag.

6 Q So you don't know if someone else had seen that money
7 before you, do you?

8 A I do not.

9 Q Okay. And where was he when he took the shoes off?

10 A While I was inspecting the property, I believe the
11 Defendant was being interviewed by Agent Woodbury and some
12 other personnel.

13 Q What I meant to say is, where was he when his shoes were
14 first removed?

15 A I have no idea.

16 Q Was he on the ship?

17 A I can't answer that question because when we arrived, he
18 was already being -- had been processed by Coast Guard.

19 Q Okay. So if they had done their job properly, and I assume
20 they did, they already knew that that money was in those shoes.

21 A I cannot answer that question.

22 Q Because the money was in the shoes, they preserved the
23 evidence just the way they found it, correct?

24 A They preserved the shoes, I'm not aware if they knew there
25 was money inside of the shoes.

1 Q Did you ask them?

2 A I never spoke with Coast Guard personnel.

3 Q Okay. This boat that Saunders was on, what port did it
4 leave out of from the Bahamas?

5 A I'm sorry, I can't answer that question, I wasn't part of
6 that portion of the investigation.

7 Q Okay. So you just know about the shoes and the money.

8 A Yes, sir.

9 Q Okay. In total, how much money was there?

10 A Again, I was told it was 5,000 Bahamian dollars.

11 Q Twenty-five in each shoe?

12 A I have no idea of the exact count; I know that when it was
13 counted, that was the total amount.

14 Q You didn't count it?

15 A I did not count it.

16 Q You just photographed it.

17 A Correct.

18 MR. ROTH: Thank you. No further questions.

19 THE COURT: Any redirect?

20 MR. McMILLAN: No thank you, Your Honor. May the
21 witness be excused?

22 THE COURT: He may. Thank you, Mr. Ojeda, you may be
23 excused.

24 (Witness excused)

25 MR. McMILLAN: And Your Honor, our next witness would

1 be Mr. Rodriguez, who is in custody.

2 THE COURT: Okay.

3 Ladies and gentlemen, we are going to take our
4 afternoon break right now. It is 3:40, this will be 15
5 minutes, so all rise for the jury.

6 (The jury retired from the courtroom)

7 THE COURT: Please be seated.

8 Mr. McMillan, if you could get back to your station
9 so to speak, I just want to ask, are there any evidentiary
10 issues related to Mr. Rodriguez's testimony that should be
11 addressed prior to him coming in?

12 MR. McMILLAN: None that come to my mind, Your Honor.

13 THE COURT: Any from Mr. Roth?

14 MR. ROTH: No, Judge.

15 THE COURT: Okay. Are there any exhibits that
16 haven't yet been admitted, 1 through 100 have been admitted and
17 105 has been admitted, that pertain to Mr. Rodriguez's
18 testimony.

19 MR. McMILLAN: No, Your Honor.

20 THE COURT: Okay.

21 MR. McMILLAN: I take that back. Rodriguez will have
22 Government's Exhibit 120, I don't think 121 needs to be
23 admitted, but it's been marked and I'm not seeking to introduce
24 it, and Government's Exhibit 122, which was the add-on exhibit,
25 Your Honor.

1 THE COURT: Again, what is the description of 122?

2 MR. McMILLAN: Government's Exhibit 122 is the
3 console of the smuggling vessel where the controls are.

4 THE COURT: All right. Is Mr. Rodriguez en route to
5 the courtroom?

6 COURTROOM SECURITY OFFICER: He is, Your Honor.

7 THE COURT: Okay. Mr. Rodriguez, please come over to
8 the witness stand. We are going to take about an eight minute
9 break for court personnel to use the facilities and then we
10 will get started with the jury again. That is all for now.

11 (Recess was had at 3:42 p.m.; and the proceedings
12 resumed at 3:52 p.m.)

13 THE COURT: Mr. McMillan, what is the exhibit number
14 for the stipulation?

15 MR. McMILLAN: It is Government Exhibit 16, Your
16 Honor.

17 THE COURT: Okay. I think it would make sense,
18 Mr. McMillan, for you to formally introduce the stipulation to
19 the jury, outside of the opening statement and then I will give
20 them the standard definition of what a stipulation is, so there
21 is no confusion there with respect to Government's 16.

22 MR. McMILLAN: Yes, Your Honor.

23 THE COURT: If you could do that before we begin the
24 testimony of Mr. Rodriguez.

25 Anything else before we get started, Mr. Roth?

1 MR. ROTH: No, Your Honor.

2 THE COURT: Okay, let's call in the jury.

3 MR. McMILLAN: Oh, Your Honor, I was actually going
4 to ask the Court to do that and may we have the Elmo
5 operational again?

6 THE COURT: Yes.

7 MR. McMILLAN: Thank you.

8 (Jury in at 3:54 p.m.)

9 THE COURT: Thank you, please be seated.

10 Good afternoon, Mr. Rodriguez. My courtroom deputy
11 will now swear you in.

12 THE DEFENDANT: Good afternoon.

13 THE COURTROOM DEPUTY: Please stand and raise your
14 right hand.

15 CARLOS RAFAEL RODRIGUEZ-RODRIGUEZ., GOVERNMENT WITNESS, SWORN

16 THE COURTROOM DEPUTY: Will you please state your
17 first name and spell your last name.

18 THE WITNESS: Carlos Rafael Rodriguez-Rodriguez.

19 THE COURT: Thank you, Mr. Rodriguez-Rodriguez. If
20 you could just make sure that you are speaking closely into the
21 microphone, and you can move it towards you, if you wish.

22 THE WITNESS: Thank you.

23 THE COURT: Let's get started.

24 MR. McMILLAN: Your Honor, if it please the Court,
25 before I commence the questioning of Mr. Rodriguez-Rodriguez,

1 we would like to go and formally introduce Government's Exhibit
2 Number 16, which is the stipulation of the parties.

3 THE COURT: Yes, you may, and put that on the Elmo,
4 please, so the jury can see it.

5 MR. McMILLAN: May I?

6 THE COURT: Ladies and gentlemen, sometimes the
7 parties have agreed that certain facts are true. This
8 agreement is called a stipulation and you must treat these
9 facts as proved for this case.

10 So this is one such stipulation, and it is
11 Government's Exhibit 16, which has been admitted without
12 objection.

13 MR. McMILLAN: May I publish, Your Honor?

14 THE COURT: You may.

15 MR. McMILLAN: Thank you.

16 THE COURT: Please read slowly.

17 MR. McMILLAN: Yes, Your Honor.

18 Government's Exhibit 16 is the stipulation of the
19 parties which provides that the Government and the Defendant
20 and Defense Counsel hereby stipulate and agree to the following
21 facts as true and undisputed:

22 One, that each of the persons individually identified
23 in counts 1 through 67 of the indictment were, at all times
24 material to this case, aliens; that is, they were not natural
25 born or naturalized citizens or nationals of the United States.

1 Second, each of the persons individually identified
2 in counts 1 through 67 of the indictment were, at all times
3 material to this case, citizens and nationals of Haiti with the
4 exception of LP with the year of birth of 1993, referenced in
5 count 12 of the indictment, who was a citizen and national of
6 the Bahamas.

7 And third, none of the foregoing individuals
8 referenced in counts 1 through 67 of the indictment had
9 received prior official authorization to come to, enter or
10 reside in the United States.

11 And then there follows the signatures of John C.
12 McMillan on behalf of the United States, Assistant U.S.
13 Attorney; Martin L. Roth, Esquire, Counsel for Defendant
14 Saunders, and Raymond Saunders on behalf of himself, the
15 Defendant.

16 THE COURT: Thank you.

17 DIRECT EXAMINATION

18 BY MR. McMILLAN:

19 Q Mr. Rodriguez-Rodriguez, would you please spell your full
20 name for the record.

21 A My name is Carlos Rafael Rodriguez-Rodriguez.

22 Q Okay. But in ordinary usage, you just go by the name of
23 Carlos Rodriguez?

24 A Usually Carlos.

25 Q Okay. But where are you from originally?

1 A I was born in Dominican Republic, and I was basically
2 raised in the Bahamas.

3 Q If you sign your name on something, do you put Carlos
4 Rodriguez-Rodriguez or Carlos Rodriguez?

5 A I put CR, Carlos Rodriguez.

6 Q Can I refer to you as Mr. Rodriguez?

7 A Yes, sir.

8 Q Okay. Now, in this case, were you arrested with someone
9 else in this courtroom?

10 A Yes, sir.

11 Q Can you describe who that person was, point at him and
12 describe what he is wearing?

13 A He is on my right-hand side over there, with the white
14 shirt and tie --

15 MR. ROTH: The Defense will stipulate that he
16 identified Mr. Saunders.

17 THE WITNESS: -- Mr. Saunders.

18 THE COURT: All right.

19 THE WITNESS: I really know him as the captain, not
20 Mr. Saunders. I know his name when I get locked up with him.

21 THE COURT: All right. Let the record reflect the
22 witness has identified the Defendant, Mr. Saunders.

23 Please continue.

24 BY MR. McMILLAN:

25 Q Well, to clarify what you just said, do you recall having

1 been on a boat on February 22nd, 2023?

2 A Yes, sir.

3 Q And did you know the man you identified a moment ago as the
4 captain, did you know what his actual true name was at that
5 time?

6 A No, sir.

7 Q Okay. What name, if any, did you know him by at that time?

8 A Just the captain.

9 Q Now, if I can take you back to this case, did you decide to
10 go and talk to federal agents after your arrest and confess
11 what happened in this case?

12 A Yes, sir, I do that at the U.S. Court.

13 Q Okay. And after that, were you arrested and appointed a
14 federal public defender to represent you as your attorney in
15 this case?

16 A Yes, sir.

17 Q And do you know what the name of the attorney is who was
18 appointed to represent you?

19 A My attorney is Ms. Caroline McCrae.

20 Q Okay. And after that, did you decide to cooperate with the
21 Government and agree to testify about what happened in this
22 case?

23 A Yes, sir.

24 Q Okay. And did you plead guilty to something in this case?

25 A Yes, sir.

1 Q And what offense was that?

2 A I pled guilty of the import aliens into the country without
3 permission.

4 Q Okay. And also, were you deported from the United States
5 previously?

6 A It was in 2009.

7 Q Okay. And what offense was it that you were deported for?

8 A I was actually in conspiracy.

9 Q Okay. Conspiracy to do what?

10 A To distribute 5 kilos or more of cocaine.

11 Q And do you know what a proffer letter is?

12 A A proffer letter, to my understanding, is something in
13 reference to my immunity or something like that.

14 Q Okay. Well, once you got the attorney -- that was
15 Ms. McCrae, correct?

16 A Yes, sir.

17 Q Did she request that we give her something to protect you
18 so you could testify?

19 A The proffer letter, yes, sir.

20 Q Okay. And did that give you -- what is your understanding
21 of what protection the proffer letter gave you?

22 A I would like to -- repeat the question, please.

23 Q Well, under the terms of the proffer letter, could we use
24 what you said to us against you?

25 A Yes, sir.

1 Q Okay. But only if you lied?

2 A That's correct.

3 Q If you told the truth, could we use it against you?

4 A No, sir.

5 Q Okay. And did you sign that letter?

6 A Yes, sir.

7 Q Okay. And did your attorney run over the terms of that
8 letter with you?

9 A Yes, sir.

10 Q Now, you already said that you pleaded guilty, is that
11 correct?

12 A Yes, sir, I pled guilty on the 18 of April.

13 Q Okay. Do you know what a substantial assistance motion is?

14 A Substantial assistance motion?

15 Q Yes.

16 A To my understanding, it is when you tell the truth and you
17 assist a person with information in reference to whatever
18 question is being asked.

19 Q And are you hoping that someone will give you a reduction
20 in your sentence in return for testifying truthfully in this
21 case?

22 A I will truthfully answer this question to you, the fact
23 that I know what I have done, it was wrong; and if it happened,
24 it would be great, but if it don't, I come here to tell the
25 truth of what I know about this trip.

1 Q Okay. Well, do you know -- in order to go and get a
2 substantial assistance motion, do you understand that someone
3 has to file a motion on your behalf?

4 A That is my understanding.

5 Q What person would that be?

6 A That would be the U.S. Government.

7 Q Okay. And who at the U.S. Government would be responsible
8 for doing that?

9 A The prosecutor.

10 Q And who is that?

11 A Mr. Mac -- Mac --

12 Q Me?

13 A McMillan.

14 Q Okay. But after that motion is filed, who makes the
15 decision as to what reduction in your sentence you get, if any?

16 A My judge.

17 Q And which judge would that be?

18 A Judge Cannon.

19 Q Do you know who Judge Cannon is?

20 A She is right here.

21 Q Okay. Now, if I can go and take you to your earlier case
22 for a moment, let's talk about that.

23 Do you speak English?

24 A Yes, sir.

25 Q Because you are doing it right now, and you don't need an

1 interpreter, do you understand what I'm saying fine?

2 A One hundred percent.

3 Q How did you learn English?

4 A Well, I learned English in the school, I do six months
5 course; and then -- in Dominican Republic, and then I was young
6 age, I come to the Bahamas, travel to the Bahamas and been
7 working around the Bahamians. We did, obviously, English
8 language speaking, so I just develop my English as I live.

9 Q Okay.

10 A As I work.

11 Q Did there come a time when you ended up living in the
12 United States yourself?

13 A No, I never live in the United States, I used to come and
14 go, back and forth.

15 Q Okay.

16 A I live in Bahamas, and that's where I reside, sir.

17 Q Okay. But if I can take you back to around 2006, where
18 were you living then?

19 A In the Bahamas.

20 Q Okay. And did you become involved in some sort of
21 activities with the name -- with a man by the name of -- well,
22 I should ask you, do you know a man by the name of Eliazer
23 Garcia?

24 A Yes, sir.

25 Q Did you become involved in a smuggling operation with him?

1 A Yes, sir.

2 Q And in late 2006, did you and Mr. Garcia get in trouble for
3 something in the United States?

4 A Yes, sir.

5 Q Did you get prosecuted for that?

6 A Yes, sir.

7 Q And where were you prosecuted?

8 A I was prosecuted in Broward.

9 Q Fort Lauderdale?

10 A Broward County Jail, yes, sir.

11 Q But it was by federal authorities?

12 A Yes, sir.

13 Q And directing your attention to March 15th of 2007, did you
14 plead guilty to that offense then?

15 A Yes, sir, for conspiracy.

16 Q Okay. Now -- and that was over 5 kilograms of cocaine?

17 A That is correct.

18 Q And you pled guilty to it?

19 A Yes, sir.

20 Q Did you get sentenced by a judge down there?

21 A Yes, sir.

22 Q Do you know what the name of that judge was?

23 A If I remember the papers, Judge Zloch.

24 Q Is that spelled Z-L-O-C-H?

25 A Say it again, sir.

1 Q Z-L-O-C-H?

2 A Yes, sir.

3 Q Do you remember what you were sentenced to by Judge Zloch?

4 A I think it was 78 months.

5 Q Did you receive a copy of your judgment of conviction in
6 that case; that is, the order that the judge sentenced you to
7 prison?

8 A Yes, sir.

9 MR. McMILLAN: May I approach the witness, Your
10 Honor?

11 THE COURT: You may.

12 BY MR. McMILLAN:

13 Q I'm showing you what's been marked for identification as
14 Government's Exhibit 120, do you recognize this document?

15 A Yes, sir.

16 Q How do you recognize it?

17 A By my name is right here, Carlos Rodriguez-Rodriguez.

18 MR. McMILLAN: Your Honor, at this point, I move for
19 the admission of Government's Exhibit 120.

20 THE COURT: Any objection, Mr. Roth?

21 MR. ROTH: No, Your Honor.

22 THE COURT: Government's 120 is admitted without
23 objection.

24 (Evidence admitted as Government Exhibit No. 120)

25 MR. McMILLAN: May I publish, Your Honor?

1 THE COURT: You may.

2 BY MR. McMILLAN:

3 Q Okay, Mr. Rodriguez-Rodriguez or Mr. Rodriguez, I would
4 like to go and show you the document that's been admitted as
5 Government's Exhibit 120, and you see -- you mentioned
6 reference to your number on there.

7 A Yes, sir.

8 Q Now, when an individual is brought into the federal justice
9 system, the United States Marshal's Service goes and gives them
10 something called a USM, or U.S. Marshal's service number, is
11 that your understanding?

12 A Yes, sir.

13 Q And in this case, that item or that number is found in
14 the -- below the case number where it says USM number, is that
15 correct?

16 A Yes, sir. That's my identification number in the federal
17 system.

18 Q When you were in prison, did you actually have to memorize
19 that number?

20 A Yes.

21 Q It's like your date of birth, something you remember for
22 the rest of your life?

23 A Yes, sir.

24 Q Is that your number for having been -- your prior
25 prosecution?

1 A Yes, sir.

2 Q And directing your attention to page two of Government's
3 Exhibit 120, where it says imprisonment, how long did it say
4 you were sent to prison?

5 A I'm sorry. You asked me a question, sir?

6 Q Yes. Under the imprisonment section, how long does it
7 indicate that you were sent to prison for originally?

8 A Seventy-eight months.

9 Q Okay. Now, you indicated that your sentence was, at one
10 point, reduced; is that correct?

11 A Yes, sir.

12 Q But that was not for several years, was it, after you
13 received the sentence?

14 A I can't really remember exactly how long it took.

15 Q Okay. Is there anything I can give you which would help
16 refresh your recollection?

17 A Please, sir.

18 Q Did you receive an order from Judge Zloch reducing your
19 sentence?

20 A Yes, sir.

21 Q Would that help refresh your recollection?

22 A If you could show me.

23 MR. McMILLAN: May I approach the witness, Your
24 Honor?

25 THE COURT: You may.

1 BY MR. McMILLAN:

2 Q Mr. Rodriguez, I'm showing you what has been marked for
3 identification purposes only as Government Exhibit 121. Do you
4 recognize that document, sir?

5 A Yes, sir.

6 Q Okay. And is that the order that Judge Zloch did reducing
7 your sentence?

8 A Yes, sir.

9 Q Is there a date which appears on that document?

10 A 07/15/2009.

11 Q Okay. So is that the date that the Court signed that?

12 A I can't recall if that's the date.

13 Q Okay. Well, does this help refresh your recollection about
14 when you received the sentencing reduction or not?

15 A Yes, sir.

16 Q Okay, so if you would set that down.

17 When did you get the reduction in your sentence?

18 A When, you know, I was moving around so much, so I cannot
19 recall actually time to time; but I know I was in a --
20 different places, and then all of a sudden, they say, Get back
21 up, and I went to Miami; and then from Miami FDC up to Broward
22 County Jail.

23 Q If I can interrupt you for a second, so that everybody can
24 understand what you mean by that.

25 When you say you were at Miami FDC, do you know what

1 the Federal Detention Center is called for short?

2 A FDC Miami, Federal Detention Center.

3 Q And that's where, at one point, you were brought during
4 your incarceration.

5 A Yes, sir.

6 Q And you said you were moved around a bunch of places, do
7 you mean while you were in custody?

8 A Yes, sir.

9 Q And when you got the sentencing reduction, does that
10 document I provided you help you refresh your recollection
11 about when that was?

12 A Yes, sir.

13 Q Do you remember what year it was that the sentencing
14 reduction took place?

15 A It was around 2009.

16 Q You were originally convicted on May 29th of 2007, is that
17 correct?

18 A Yes, sir.

19 Q So this is about two years later.

20 A Yes, sir.

21 Q Now, just so we are clear on this, you never testified
22 about your coconspirators in the drug case, did you?

23 A No, sir.

24 Q You never agreed to go and testify about any of the cocaine
25 smuggling activities that you did with them, did you?

1 A No, sir.

2 Q But approximately a year later, did you come into contact
3 with completely different individuals that told you about a
4 very serious crime?

5 A Yes, sir, that was Miami Detention Center.

6 Q Okay. And what had those people allegedly done?

7 A They commit a serious crime, according to my understanding
8 of what I hear them talking about it.

9 Q What did they do?

10 A May I?

11 Q Yes.

12 A At the time, I was in with an inmate with a full sergeant
13 of the U.S. Army and I used to stay in my room all of the time
14 reading, think about my family a lot because at the time, I
15 have a son --

16 Q Well, Mr. Rodriguez, if I can interrupt you for a second.
17 What was the general subject matter of what they told you they
18 did?

19 A They did a serious crime, they killed a whole family.

20 Q That was on the side of the turnpike in Palm Beach County,
21 Florida?

22 A Yes, sir.

23 Q Did you end up testifying at trial in their case?

24 A Yes, sir.

25 Q And were these people convicted and sentenced to life

1 imprisonment?

2 A Yes, sir.

3 Q As a result of that, did the Federal Government; that is, a
4 prosecutor like me, make a motion through Judge Zloch for
5 something for you?

6 A Yes, sir.

7 Q Two years later?

8 A Yes, sir.

9 Q And did Judge Zloch take what happened in consideration and
10 reduce your sentence?

11 A Yes, sir.

12 Q And how much did he reduce it by?

13 A I think it was 38 months.

14 Q Okay. At that point in time, had you almost served the
15 entire time of the 38 months when you got this order from Judge
16 Zloch?

17 A Most likely.

18 Q Okay. And as a result of that, were you released back into
19 the community into the United States or did something else
20 happen to you?

21 A No. When I was sentenced again, I went back to the FDC,
22 the detention center, and then from there, I went to Krome and
23 was deported.

24 Q Okay. And for those people who are not familiar with it,
25 Krome is spelled K-R-O-M-E; is that right?

1 A Yes, that's the immigration detention center.

2 Q That immigration detention center is down in the Miami
3 area?

4 A That's correct, sir.

5 Q Kind of well outside of downtown Miami in almost the
6 Everglades, but it's down there; is that correct?

7 A To my understanding, I'm not really too familiar with the
8 place.

9 Q Did you receive something called an order of removal once
10 you were taken down there?

11 A Yes, sir.

12 MR. McMILLAN: May I approach the witness, Your
13 Honor?

14 THE COURT: You may.

15 BY MR. McMILLAN:

16 Q I would like to show you, Mr. Rodriguez, what has been
17 already admitted as Government's Exhibit 14, do you recognize
18 this item, sir?

19 A Yes, sir.

20 THE COURT: Just one moment, Mr. McMillan.

21 Ladies and gentlemen, certain exhibits were already
22 admitted to move things along in this trial, so as you will
23 see, Mr. McMillan will describe and admit an exhibit that was
24 previously admitted, and both parties agree that such exhibits
25 can be admitted. I just wanted to clear that up for you.

1 MR. McMILLAN: Thank you, Your Honor.

2 May I publish?

3 THE COURT: You may.

4 BY MR. McMILLAN:

5 Q Mr. Rodriguez, I'm showing you what has been admitted as
6 Government's Exhibit 14. Is this the order providing for your
7 final administrative removal from the United States?

8 A Yes, sir.

9 Q Okay. And in particular, if you look at the portion that
10 I've highlighted on this document, does it say that they have
11 found that you have a final conviction for an aggravated felony
12 as defined in section 101, subparagraph (a)(43) of the
13 Immigration and Nationality Act as amended VIII U.S.C.
14 1101(a)(43), and it looks like (u)(b), and are ineligible for
15 any relief for removal that the Secretary of Homeland Security
16 may grant in an exercise of discretion.

17 Does it say you have been convicted of an aggravated
18 felony there?

19 A Yes, sir.

20 Q Was it your understanding that you had been convicted of an
21 aggravated felony?

22 A That's correct.

23 Q Okay. And this document was actually given to you on
24 October 27th of 2009, is that correct?

25 A Yes, sir.

1 Q And after that, were you subsequently taken from the United
2 States and put on a plane and flown someplace?

3 A Yes, I was put on a federal plane.

4 Q Okay. Where did it fly you to?

5 A Straight to Santa Domingo.

6 Q In the Dominican Republic?

7 A Yes, sir.

8 Q So you were actually physically removed from the United
9 States at that point in time.

10 A Yes, sir.

11 Q And did they warn you that you could not come back?

12 A Well, they gave me a probation for five years.

13 Q Okay. Well, what were you told would happen if you ever
14 came back into the United States?

15 A I was going to be detained.

16 Q And prosecuted?

17 A Yes, sir, without permission, yes.

18 Q Well, you could never come back to the United States after
19 a conviction for an aggravated felony, could you?

20 A That's my understanding.

21 Q Without getting the permission of the Secretary of Homeland
22 Security?

23 A No, I need to get permission from Homeland Security.

24 Q Did you do that, by the way, in this case?

25 A No, sir.

1 Q Okay. So you never applied for that permission at any
2 time?

3 A No, sir.

4 Q Okay. Now, you indicated earlier that you were a citizen
5 of the Dominican Republic, is that right?

6 A Yes, sir.

7 Q Are you a United States citizen or a permanent resident
8 alien?

9 A No, sir.

10 Q After your removal from the United States, where did you go
11 to live?

12 A I went to, as I said, Santo Domingo. I spent over there
13 six-and-a-half month, and then I traveled back to the Bahamas.

14 Q By the way, Mr. Rodriguez, what do you ordinarily do for a
15 living?

16 A Well, I been working on boats all my life, so the year of
17 2000 -- sorry, 1996, I graduate naval navigation, so I become a
18 captain.

19 Q And that's probably the reason why, when you were convicted
20 of the cocaine smuggling thing, you were smuggling cocaine back
21 then, weren't you?

22 A Basically, yes, sir.

23 Q Okay. Well, that's what they caught you doing, didn't
24 they?

25 A Along with Mr. Eliazer Garcia, yes.

1 Q Along with Eliazer Garcia.

2 A Yes, Eliazer.

3 Q Okay. To help the court reporter, Mr. Garcia's first name
4 is spelled E-L-I-A-Z-E-R, is that correct?

5 A Yes, sir. Eliazer in Spanish.

6 Q Okay. But were you a professional boat captain?

7 A Yes, in the Bahamas, yes, sir.

8 Q And sir, would it be fair to say that you knew how to
9 navigate the boat?

10 A Yes, I do.

11 Q Including a large boat or vessel?

12 A Yes, sir.

13 Q After you were kicked out of the United States following
14 your drug conviction, did you go back to drug smuggling?

15 A No, sir.

16 Q Why not?

17 A Because it is not my profession.

18 Q Okay. And did you instead do another type of captaining?

19 A Yeah. I certified as a tow captain, that was actually my
20 profession, running barges and boats in Bahamas.

21 Q So you were a tow boat captain?

22 A Yes, but I also run different boats, you know.

23 Q But you were familiar with navigating within the Bahamas,
24 no problem, weren't you?

25 A Yes, sir.

1 Q Did there come a time when -- if I could take you to the
2 period of COVID and the period of 2023 that followed it, did
3 you fall upon hard times in some manner?

4 A Yes. Right before the COVID, it hard; and with COVID,
5 very, very hard for me and my family.

6 Q Why was that?

7 A Lack of work. There was really no work, most company
8 close. There was nobody traveling and in the islands, we live
9 basically off the tourism and foreigners and people doing new
10 investments. So all of the construction company, the marine
11 company that I worked for, they actually been closed for X
12 amount of time. And so whenever we have like permission to go
13 for X amount of time, then we go and do some work, but then
14 they shutdown and it was like back and forward, you know, so I
15 never have like long terms of work.

16 Q And towards the tail end of 2022, did family members of
17 yours also have health issues?

18 A Yes, sir.

19 Q What happened there?

20 A My mother.

21 Q Okay. And where did she live?

22 A In Santa Domingo, Dominican Republic.

23 Q Now, around the time that all of this was happening, did
24 someone approach you with a job opportunity of some sort?

25 A Yes, sir.

1 Q Can you explain what happened there, please.

2 A When I was introduced to the -- what should I call him --
3 the organizer.

4 Q Do you know what this person's name was?

5 A Yes, sir.

6 Q What was the name?

7 A To my understanding, the person name was Cuse Gully.

8 Q Okay. And you are definitely going to have to do your best
9 to spell that for the court reporter because she needs to be
10 able to go and write it down.

11 A As I write it on my phone, C-U-S-E.

12 Q C-U-S-E.

13 A G-U-L-L-Y, Gully.

14 Q Okay. So C-U-S-E, G-U-L-L-Y?

15 A Yes, sir.

16 Q And that was the name that you understood to be the boss
17 man who recruited you for a job?

18 A Yes, sir.

19 Q How did that happen, can you tell the jury, please?

20 A Well, I was introduced to him and he was asking me if I was
21 interested to help somebody to come to America for a job, to
22 transport some people over here.

23 Q Did you know that was illegal maybe?

24 A Yes, sir.

25 Q Okay. But you decided to do it anyway?

1 A Yes, sir.

2 Q Did he offer to pay you?

3 A Yes, sir.

4 Q Was it more money that you would make going to and doing
5 work?

6 A At one time, yes, sir.

7 Q So what happened next?

8 A Well, I say yes, because I had another captain that was
9 supposed to make the trip, but that trip was canceled.

10 Q What do you mean by that?

11 A The person, the captain who I know is a friend of mine who
12 introduced me to Mr. Gully.

13 Q Okay. What was his name?

14 A Dirkey.

15 Q Turkey?

16 A No. I know him as Captain Dirkey, Dirkey.

17 Q Oh, Dirkey?

18 A Yeah, Dirkey.

19 Q Like D-I-R-K-E-Y?

20 A Yes, sir.

21 Q And so after those introductions were made, what happened
22 next?

23 A The trip was canceled, so he keep my number and he said,
24 Once I get another captain, I will call you, and I said okay.

25 Q How much were you supposed to be paid for making this trip?

1 A Cash.

2 Q Well, how much money, though, in cash?

3 A Well, he offered me \$10,000 cash.

4 Q Was that \$10,000 in United States currency or \$10,000 in
5 Bahamian currency?

6 A In Bahamian currency.

7 Q Do you know what the equivalency is; that is, the exchange
8 rate between the U.S. dollar and the Bahamian dollar?

9 A In the Bahamas, it is one to one; one U.S. dollar, one
10 Bahamian dollar, it is the same in the Bahamas.

11 Q Okay. So if we are talking about Bahamian dollars that you
12 are being paid, they are worth the same as a U.S. dollar?

13 A Yes, sir.

14 Q So the ladies and gentlemen of the jury don't have to do a
15 calculation in their mind, it is like one Bahamian dollar, you
16 know, isn't worth -- or you have to have 100 Bahamian dollars
17 to be worth one U.S. dollar.

18 A One to one.

19 Q Okay. So you were supposed to be paid \$10,000.

20 A Yes, sir.

21 Q All right. And what happened next?

22 A And after the trip, when we get back, he supposed to give
23 me 15,000 more because he said that was going to be able to
24 help for my financial situation.

25 Q Okay. And were you actually behind in your mortgage

1 payments, too, at that point in time?

2 A Yes, sir.

3 Q Now, with respect to the money that you were to be paid,
4 did you receive part of it up front?

5 A Yes, \$10,000 he give me.

6 Q Okay. And were you introduced, at some point, to another
7 person who was supposed to make the trip with you?

8 A Yes, sir.

9 Q Who was that person?

10 A The captain, Mr. Raymond Saunders.

11 Q That's the person you identified earlier in court?

12 A Yes, sir.

13 Q Where did you first meet Raymond Saunders for the very
14 first time?

15 A First time I ever met him, first time I ever see him in my
16 life, that was that Tuesday before we left.

17 Q Okay. And what day did you actually leave on, what day of
18 the week, Monday, Tuesday, Wednesday?

19 A I met him on Tuesday afternoon, around 3:45 in the
20 afternoon; and we left Wednesday. At 6:50, we left the dock,
21 so right after --

22 Q I'm sorry. You left at what time?

23 A We left the dock, the marina at 6 -- around 6:50 a.m., and
24 we went through the harbor, out the outlet of Nassau entrance
25 right after 7:00 in the morning.

1 Q And you said 6:50, so 6-5-0 a.m. in the morning?

2 A Yes, sir.

3 Q Okay. And where were you headed when you left that
4 location?

5 A In the meeting, as I refers back to you, that I have with
6 Mr. Gully and Mr. Saunders, I been told that we were leaving
7 Nassau to come in straight to the inlet of Port St. Lucie, I
8 think it is.

9 Q When -- if I can take a step back a bit.

10 How many people were you told you would be smuggling
11 into the United States?

12 A First he told me it was going to be around ten people or
13 less.

14 Q Did you know what boat you would be using to do the
15 smuggling venture with?

16 A I went with the boat, yes, sir, because I help Mr. Saunders
17 move the boat that Tuesday.

18 MR. McMILLAN: May I approach the witness, Your
19 Honor?

20 THE COURT: You may.

21 BY MR. McMILLAN:

22 Q I'm showing you what's been previously admitted as
23 Government Exhibits 1 and 2, do you recognize these two
24 photographs?

25 A Yes. That's the boat, yes, sir.

1 Q Did you initial these photographs?

2 A Yes, sir.

3 Q Where did you initial them?

4 A Right in the corner.

5 MR. McMILLAN: May I publish, Your Honor?

6 THE COURT: You may.

7 BY MR. McMILLAN:

8 Q Mr. Rodriguez, first of all, there are some initials in the
9 lower left-hand corner of Government's Exhibit 1, do you know
10 who those belong to?

11 A That's my signature.

12 Q And does Government Exhibit 1 fairly and accurately depict
13 the vessel that you assisted in captaining on February 22nd,
14 2023?

15 A That's the vessel there.

16 Q Okay. And do you recall how many feet long this vessel
17 was?

18 A My understanding, it was a 54-foot.

19 Q Fifty-four feet?

20 A Fifty-four feet.

21 Q And do you know how many people ordinarily would be on a
22 vessel this size?

23 A Well, to my experience, when I go and take a boat like that
24 to the island for recreation, we don't put more than eight to
25 ten people on that boat.

1 Q And is that why you expected there to be approximately ten?

2 A Yes, sir.

3 Q But were you able to go and see the people when you got on
4 the boat and pilot it to the United States initially?

5 A No, sir.

6 Q But you knew there were people below decks?

7 A Yes, sir.

8 Q And showing you what's been previously admitted as
9 Government Exhibit 2, and are those your initials,
10 Mr. Rodriguez, in the lower left-hand corner of this
11 photograph?

12 A That's my signature, yes, sir.

13 Q And does this fairly and accurately show the smuggling boat
14 that you were on on February 22nd of 2023?

15 A That's the boat, sir, yes, sir.

16 Q And that would be the rear part of the boat?

17 A What you call the steering, yes, sir.

18 Q On this vessel, you see there's -- what would you call this
19 upper structure up here?

20 A The pilot house.

21 Q Okay. And is that where you were captaining the boat from?

22 A That's where we steer the boat from, yes, sir.

23 Q When you say we, was someone else steering the boat during
24 your journey, too?

25 A Mr. Saunders and I.

1 Q That's the same person you identified earlier as the
2 captain?

3 A That's correct.

4 Q Who decided he should be called the captain?

5 A Mr. Gully.

6 Q Mr. Gully?

7 A He was the one who said to call him the captain because he
8 was assigned as the captain.

9 Q Let's talk about that for just a second. Why Mr. Saunders,
10 you're a professional boat captain, why would he go and call
11 Saunders the captain?

12 A Well, he introduced Mr. Saunders as the captain because
13 Mr. Saunders had the experience, according to my understanding;
14 and what I know from the date that he says that he had been
15 taking two boats in 2022 to this same -- what I say -- place or
16 dock where we were supposed to be going, and he was very
17 experienced with it, in and out, you know. So I said okay, it
18 sound like he know what he is doing.

19 Q Well, specifically, did you know where you were supposed to
20 bring this load of illegal aliens?

21 A Me personally, no; but Mr. Saunders show us on his phone on
22 the same apps that we used as navigation, called Navionic, he
23 zoom in and he show Mr. Gully exactly where we supposed to be
24 going.

25 Q Okay. So that the record is clear about what you are

1 talking about, you mentioned something about Navionics; is that
2 correct?

3 A Yes, sir. That's the app that he had on the phone and used
4 as a navigation because he doesn't want no equipment on the
5 boat, no navigation equipments on.

6 Q And Navionics is spelled N-A-V-I-O-N-I-C-S, is that your
7 understanding?

8 A Yes, sir.

9 Q And is that an app for a phone?

10 A It's actually an app, navigation app option that you
11 download on your phone, and you put the regions of the area
12 where you wanting to navigate, and it pop on your phone and you
13 just pick it up and use it.

14 Q Did you have Navionics on your phone when you left the
15 Bahamas?

16 A No, sir.

17 Q Did someone else?

18 A Yes, sir.

19 Q Who is that person?

20 A That was Mr. Saunders' phone.

21 Q Okay. And when you left the Bahamas en route to the United
22 States, were you concerned that you might be stopped and
23 whether you should carry any documents with you?

24 A That's correct.

25 Q Did you have a conversation with someone about that issue?

1 A Yes, I had the meeting.

2 Q With who?

3 A Mr. Saunders.

4 Q Okay. When did that take place?

5 A On the afternoon when Mr. Gully, Mr. Saunders, myself, and
6 the other -- two other person was in the meeting.

7 Q And would that have been on the 22nd or the 23rd or the
8 21st?

9 A No, that was the 21st, sir.

10 Q The 21st of February?

11 A A Tuesday, yes, sir; yes, a Tuesday afternoon.

12 Q The afternoon before you departed?

13 A It didn't take more than maybe 15, 20 minutes the most.

14 Q Okay. And was Cuse Gully a participant in that, too?

15 A Yes, sir.

16 Q And did you ask about whether you should take your passport
17 or driver's license or anything?

18 A Yes. I asked Mr. Mr. Saunders what should I take with me,
19 I was meaning between clothes and identification and so forth.
20 His replies to me was, I don't know about you, but I only take
21 what I have on, which is his clothes that he have on, his phone
22 and a roll of tape.

23 Q His phone and a roll of tape?

24 A Yes, sir. That's what he told me.

25 Q Do you remember what kind of clothes he had on at that

1 time?

2 A Yes, sir.

3 Q Can you describe them for the ladies and gentlemen of the
4 jury.

5 A Well, he has a long jeans pants, like a brown color boots
6 or tennis, he has a jacket, also, and like a sweatshirt
7 underneath.

8 MR. McMILLAN: May I approach the witness again, Your
9 Honor?

10 THE COURT: You may.

11 BY MR. McMILLAN:

12 Q Mr. Rodriguez, I'm showing you what has already been
13 admitted as Government's Exhibit 105, do you recognize this
14 document?

15 A Yes, that's the shoes Mr. Saunders was having on.

16 Q Did you initial this photograph previously in the lower
17 left-hand corner indicating that you had seen it?

18 A Yes, sir.

19 Q And what does Government's Exhibit 105 show, what does the
20 exhibit show?

21 A This is same type of shoes he was wearing that afternoon.

22 Q When you saw this, though, you didn't see the money in
23 them, did you?

24 A No, I never knew he had that type of money.

25 Q Okay. But the design of the shoes, where did you see those

1 before, if any place?

2 A No, that's the ones he was wearing.

3 Q So what was your understanding of where you were supposed
4 to take the illegal aliens that were going to be on board the
5 vessel?

6 A To my understanding, we supposed to go to marina, where
7 Mr. Saunders very familiar with, the fact that he know people
8 there because he was saying when we get over there, he would be
9 calling somebody and arrange the fuel.

10 Q And was your understanding that this marina was located at
11 the beginning of the Intracoastal or upper river, or where was
12 this thing located, did you know?

13 A I did ask him, How far you think the marina will be from
14 the entrance?

15 He say, It is going to take between 15 and 20 minutes
16 to get there. Now, that's most likely maybe 3 miles, 4 miles
17 up, I cannot tell because I don't know.

18 Q So the ladies and gentlemen can understand, when you say 3
19 or 4 miles up, what do you mean?

20 A From the difference of the entrance to the inlet to the
21 marina dock.

22 Q Because as a professional boat captain, would you have had
23 any problems just taking a standard GPS and driving the vessel
24 that's depicted in Government's Exhibit 2 to the United States?

25 A No.

1 Q But would you have known how to navigate the St. Lucie
2 River?

3 A Never been there in my life.

4 Q Or go up the Intracoastal area at the St. Lucie inlet?

5 A No, sir.

6 Q Was there someone who had specialized knowledge that was
7 supposed to assist you in that regard?

8 A I have no knowledge of it.

9 Q Okay. Well, did someone else have knowledge of it?

10 A Yes, sir.

11 Q Who?

12 A To my understanding, Mr. Saunders.

13 Q Did Mr. Saunders tell you that this was the first time he
14 had ever done this?

15 A No, sir.

16 Q What did he tell you?

17 A He tell us in the meeting this; he is very familiar with
18 the area and that he has taken two different vessel last year.

19 Q Two different vessels last year?

20 A Yes, sir.

21 Q And he drove them where?

22 A To the inlet.

23 Q Okay. And did he tell you what was on board those vessels?

24 A No, sir.

25 Q Had you ever seen the Navionics program before this

1 occasion?

2 A If I have seen it?

3 Q Had you seen it before?

4 A Yes, sir.

5 Q Okay. But how come you didn't have it yourself?

6 A I don't have it because I don't really need it. I
7 normally, when I have a boat, when I bring it out, I have
8 one -- two GPSs on the boat. For me to put Navionic, there
9 is -- you have to have an account and you have to pay, it's no
10 coming free. You don't get it free.

11 Q Okay. And you didn't need that if you were just traveling
12 in the Bahamas.

13 A No, sir.

14 Q However, if you wanted to go and travel to the United
15 States with a load of aliens, would it be helpful?

16 A Definitely because you have to have navigation route.

17 Q And at some point, did Defendant Saunders download
18 something on your phone?

19 A He never touch my phone.

20 Q So you never had Navionics yourself.

21 A I don't have Navionic on my phone as in activated.

22 I refresh it again, I have Navionic app on my phone,
23 but it's never been activated, do you understand what I'm
24 saying?

25 Q Well, if it hasn't been activated, could you operationally

1 use it?

2 A No, sir. If it is not activated, you cannot use it.

3 Q Now, you stated that you got on the vessel and you
4 started -- when did you depart the Bahamas?

5 A That was on Wednesday at 6:50 a.m., we left the marina.

6 Q At that point in time, did you know there were illegal
7 aliens on board the boat?

8 A That's my understanding. I wasn't on the boat when the
9 boat was loaded, but my understanding, the boat was ready to
10 leave.

11 Q Okay. Well, who was on the boat first, you or
12 Mr. Saunders?

13 A No, Mr. Gully pick him up first, because when he call me
14 after 5:00 a.m., he said he was going to pick up the captain
15 and then come for me, and Mr. Gully come pick me up with
16 Mr. Saunders.

17 Q Okay. And so what happens next?

18 A We went to the marina, we both got off and went inside the
19 shop. That's when he bought a 20-pack of cigarette; 20
20 cigarette you call it? I don't smoke, a pack of cigarette,
21 which is 20 cigarettes in the pack, and we left, got on board.
22 He went up on the flybridge, I loose the rope, and we left.
23 The engine was already running.

24 Q Pardon me?

25 A The engine was already running.

1 Q When you got to the boat?

2 A Yes, sir.

3 Q You had visited that boat before, though, hadn't you?

4 A Yes, sir.

5 Q When was that?

6 A That was the day before.

7 Q Why did you do that?

8 A To go and to help Mr. Saunders move the boat from the
9 marina, the actual marina where the boat was tied up to the
10 marina where the boat supposed to get loaded. And he dock the
11 boat like how you see it here, alongside the dock, not by the
12 wooden dock, by the concrete dock, which is close to the land.

13 Q Okay.

14 A And the boat stay overnight -- actually, I leave the boat
15 there and I went home; and then the next morning when I came,
16 the boat was already moved to the front of the marina by the
17 wood dock, so my understanding is Mr. Saunders would have moved
18 the boat from the concrete dock to the front of the dock.

19 Q Now, you were expecting, based on what you said earlier, to
20 have approximately ten people on board that you would be
21 smuggling.

22 A Yes, sir.

23 Q Did you check the boat to see if there were any life
24 jackets on board?

25 A Well, I did see a couple life jackets on the flybridge and

1 the life raft, but I never count the life jackets.

2 Q Okay. Would it surprise you that there was a total of one
3 life jacket on the boat?

4 A That would surprise me because I thought it was more.

5 Q Pardon me?

6 A I thought it was more because the guy say, We okay with
7 life jacket, that's what he told me.

8 Q The guy, who was that?

9 A Mr. Gully.

10 Q Well, if I can draw your attention to Government's
11 Exhibit 1, do you see a round cylindrical object on the front
12 of the boat?

13 A Yes. That was a life raft I tied up.

14 Q Do you know how many people that would fit?

15 A I can't recall honesty how much, but it should be more than
16 eight people.

17 Q Pardon me?

18 A It should be more than eight people.

19 Q Did you put that life raft on there or did it come with the
20 boat?

21 A No, that came with the boat. It was in the back of the
22 stern. You understand what I say, the back of the stern, the
23 aft, and we move it. When we was at the marina, we move the
24 boat -- I mean we moved the life raft to the front.

25 Q Okay. Mr. Rodriguez, do we even know whether that life

1 raft works?

2 A I don't have no idea, sir.

3 Q Because optimally, they should automatically inflate when
4 you push them out of the canister, shouldn't they?

5 A When you throw it overboard, you pull the rope and they
6 supposed to inflate.

7 Q But we don't know whether that one worked.

8 A I cannot tell you, I really don't know.

9 Q If it did work and, for example, the ship was sinking, you
10 could have saved as many as 12 or 14 people?

11 A Most likely.

12 Q But did there come a time when you had to go to the
13 bathroom while you were cruising across the Atlantic Ocean
14 towards the United States?

15 A Yes, sir, I couldn't wait no more.

16 Q Where did you go to go to the bathroom?

17 A I went downstairs to use the bathroom.

18 Q And I think, as you so eloquently put it when we spoke
19 earlier in this case, to do number two?

20 A Yes, sir.

21 Q Okay. So where did you go to do that?

22 A I went downstairs inside of the cabin.

23 Q Did you see anything surprising when you got there?

24 A The surprise of my life, all of these people; and I just
25 started to cry honestly, but I continued to go use the

1 bathroom.

2 Q Well, you said you started to cry, why was that?

3 A Because I never expected to see so many people at one time.

4 Q Well, for one thing, if you know that there are that many
5 people, would you have increased the price that you were
6 charging for doing this?

7 A Quite honestly, if I was the captain, I would be getting
8 \$25,000.

9 MR. McMILLAN: May I approach the witness, Your
10 Honor?

11 THE COURT: You may.

12 BY MR. McMILLAN:

13 Q Mr. Rodriguez, I would like to show you what's been already
14 admitted as Government Exhibits 5 and 6 and ask if you
15 recognize those two items by your initials.

16 A Yes. That's the stern of the boat facing into the salon,
17 and this inside the salon, Number 6. Number 5, from the stern
18 to salon; and number 6 is the actual -- between the salon and
19 the hallway going to the cabins.

20 Q Between the salon and the cabin?

21 A Go into the cabin, the corridor.

22 MR. McMILLAN: Your Honor, may I publish Government's
23 Exhibits 5 and 6, please?

24 THE COURT: You may.

25

1 BY MR. McMILLAN:

2 Q Mr. Rodriguez, I'm showing you Government's Exhibit 5.

3 Does that accurately describe what you saw when you went
4 downstairs to use the bathroom?

5 A Yes, sir.

6 Q And that is the people packed in there, in the salon areas
7 of the cabin; is that correct?

8 A It wasn't actually like that. It was -- I see tons of eyes
9 when I went downstairs to use the bathroom. It was dark, it
10 was actually dark inside honestly.

11 Q Oh, there wasn't any light?

12 A It was no light, it was really dark.

13 Q How were you able to get to the restroom? Did you have to
14 step over their bodies or what happened?

15 A Yeah, I have to step over everybody legs, and I just went
16 to the restroom.

17 Q But it was all dark?

18 A Dark, yes, sir.

19 Q How were you able to see?

20 A Well, it was a little light they have in the front by the
21 cabin, so that illuminate a little bit.

22 Q By the way, are these your initials in the upper right-hand
23 corner?

24 A Yes, sir.

25 Q Thank you.

1 Showing you Government's Exhibit 6, are these your
2 initials in the lower left-hand corner, sir?

3 A Yes, sir.

4 Q Okay. And what does this image depict?

5 A This is the salon area, right before you get to the
6 kitchen.

7 Q Mr. Rodriguez, did you know there were children on board?

8 A No, sir, no idea.

9 Q Now, before you left the Bahamas, did you check the
10 identification of any of those people on board the boat?

11 A No, sir.

12 Q Why not?

13 A Because to my understanding, you bringing people illegal
14 into America.

15 Q Did you think it was going to be useful to check their ID
16 because -- I mean, you knew they were being smuggled into the
17 United States, right?

18 A Yes, sir.

19 Q What about Mr. Saunders, did Mr. Saunders ask you for your
20 identification?

21 A No.

22 Q Did Mr. Saunders know where you were from?

23 A I don't know if he knew.

24 Q Pardon me?

25 A I don't think so.

1 Q Okay. Well, did you -- do you know whether he knew you
2 were Dominican?

3 A No idea.

4 Q Okay. So if he was telling Special Agent Woodbury that the
5 Dominican tied him up, that wasn't because you told him you
6 were a Dominican?

7 A I never have too much talking with him. The only question
8 I asked what I say to you awhile ago, and that was it.

9 Q And speaking of which, at any time, did you ever go and use
10 tape or any other form of restraint on Mr. Saunders on this
11 trip?

12 A No, sir.

13 Q Okay. Now, was there another individual on the trip by the
14 name of Lubin Phillip?

15 A Yes, sir. That was the tall slim guy who was in and out
16 from the cabin bringing us waters and little snacks.

17 Q And for the court reporter, that's L-U-B-I-N,
18 P-H-I-L-L-I-P, is that your understanding?

19 A Lubin?

20 Q Yes.

21 A Yeah, but I really don't know him by his last name, all I
22 know, his name was Lubin.

23 Q What country was he from, do you know?

24 A He told me he was a Bahamian/Haitian, sometimes a
25 Haitian/Bahamian, Bahamian/Haitian meaning he's got both

1 parents or either he was born in the Bahamas.

2 Q And if I can show you Government's Exhibit 2 again, what
3 part of the vessel were you in during the journey from the
4 Bahamas to the United States before you were stopped by the
5 police?

6 A I was in the -- in the first seat behind the wheel.

7 MR. McMILLAN: Your Honor, does the witness stand
8 have the capability to make lines?

9 THE COURT: It does.

10 MR. McMILLAN: May we have that effectuated?

11 BY MR. McMILLAN:

12 Q If you touch the screen, sir, you should be able to go and
13 show the jury where you are talking about.

14 A Okay. On the trip, I was between the middle seat and this
15 seat here. And sometime, I sit on the front by the -- it's a
16 little sofa in the front of the console, but most of the time,
17 I sit on the middle seat while Mr. Saunders there or
18 Mr. Saunders, when he lay down in the front, I come to the
19 steering wheel -- by the -- in front of steering wheel by this
20 seat right here.

21 Q Okay. For the record, you are describing for the jury a
22 seat that is on the left-hand side of the control console, next
23 to the farthest left rod holder, is that correct?

24 A Yeah, that's right, crossing right in front of the steering
25 wheel.

1 Q Okay. And what was Mr. Saunders doing while he was there?

2 A Laying down.

3 Q Okay. Did you drive the entire way or who did?

4 A No. He let -- when we left the marina, he was in control
5 because he drove the boat out of the harbor; and about 10:30,
6 10:45, after he smoke -- can I say that? Can I --

7 Q Well, you can describe what happened.

8 A Well, he been pulling a vial, a plastic vial, he smoke it
9 because I don't know if you remember when I say he bought a
10 pack of cigarette, and so the vial that he put in his pocket,
11 it contain marijuana. I don't smoke, so I could tell by the
12 smell, you know.

13 Q Okay. And then did the Defendant continue driving the
14 boat?

15 A Yes. As he smoke, he driving the boat; but around 10:30,
16 10:45 a.m., he was kind of sleepy, so he told me to hold the
17 wheel.

18 I say okay, and I steer the wheel straight through
19 around 3:30, 4:30 that afternoon.

20 Q Okay. At any time, did you go and work with Mr. Lubin to
21 go and kidnap the Defendant and stuff him in an equipment
22 closet on the boat?

23 A Never, no, sir.

24 Q Okay. Now, did you have any reason to do that?

25 A No, sir.

1 Q And if you had done that -- I mean, did you know where you
2 were supposed to even take this boat once you got to the
3 St. Lucie Inlet?

4 A Never been there, I didn't have no idea.

5 Q Okay. Now, did there come a time when you finally arrived
6 at the shoreline to the United States?

7 A That was when we was stopped by the Border Patrol.

8 Q Yes. Do you remember what time that was approximately?

9 A It was like after 9:00, around 9:00-ish, after 9:00.

10 Q Had you deliberately intended arriving at nighttime?

11 A No. As a matter of fact, I asked him, Why we arriving at
12 night?

13 And he says to me -- actually, he say to me and
14 Mr. Lubin he rather be there in the night because at that time,
15 there would be nobody at the marina, no workers, and it would
16 be easier to get the people off the boat.

17 Q Okay.

18 A And he says, When we get there and the people that -- who
19 supposed to be there waiting for the arrival, meaning us, and
20 if they are not there, he was going to go up in the bush and
21 hide.

22 Q Okay. At the camp that you were supposed to go and drop
23 the aliens off at?

24 A I can't say it was a camp, I know he say it was a marina.

25 Q A marina.

1 A Yeah, but he say he was going to go in the bush.

2 Q Did you have any understanding where you were going to get
3 fuel to come back?

4 A Yes. All of the plans, all of that was between him and
5 Mr. Gully.

6 Q Your personal plan was not to stay in the United States,
7 was it?

8 A No, sir, because my mission was to come with him and go
9 back. I told you, I have a very serious situation with my
10 family, which I have to go back to Santa Domingo to take care
11 of my mom.

12 Q But you knew that you were going to be within 3 miles and
13 even further inland in order to go and do the smuggling
14 venture, is that accurate?

15 A That's what was said to me.

16 Q So you knew that was going to happen?

17 A Yes, sir.

18 Q So you approached the U.S. coastline, was it dark out?

19 A Yes, all you see is little lights.

20 Q Okay. And as you approached the inlet, who is driving?

21 A Mr. Saunders.

22 Q Did anything unusual happen as you approached the inlet?

23 A That's correct.

24 Q What happened?

25 A I asked him, first of all, why we get so much people. He

1 was pulling into the land so much speed, he told me no worry,
2 he got it.

3 So as we approaching the land, you know, it is very
4 dark. You know, as you can see, I wear glasses, so you can't
5 really see too much further in the night, I can't identify like
6 too much. So I asked him if he see the buoy, he say he got it.

7 So as we approaching the inlet, I noticed that he was
8 kind of nervous and he say, Hold wheel. He told me, Hold the
9 wheel, and he went to the front and he look, look. And all of
10 a sudden, he reached over, he pushed the throttle down, all the
11 way down, you understand when I say all of the way down, full
12 speed. He push it full speed, he took the phone off the
13 dashboard and pick up his jacket and grab the duct tape and
14 disappeared from me after he say to me, It's the man, the man,
15 the police.

16 I said, What, what did you say?

17 He said, It's the man, the man, the police, but I
18 continue going because the boat, you know, full speed. When I
19 look forward, I see the greenlight coming, so you know, just to
20 get a quick thinking, I said, I'm not going to hit the light,
21 I'm going to turn left, and I did, so I avoid hitting the
22 greenlight, and I put the boat in neutral, and that's when the
23 Border Patrol come aboard.

24 Q Mr. Rodriguez, you said he took a roll of tape with him.

25 A Yes, sir.

1 Q Now, I believe you just referred to it as duct tape, didn't
2 you, sir?

3 A Well, it was a roll of tape on the top of the counter,
4 which I actually used, me and Mr. Lubin, to put up, as I say,
5 the American flag. There was no American flag on the boat, so
6 we had a roll of brand new rope, and I used some of that tape
7 to cut the rope so I can hang the American flag, and then I put
8 the tape back on top of the counter, and that's the tape.

9 Q You said you put it on top of the counter?

10 A Yes, sir.

11 Q Okay.

12 MR. McMILLAN: May I approach the witness, Your
13 Honor?

14 THE COURT: You may.

15 BY MR. McMILLAN:

16 Q I'm showing you what's been previously admitted as Exhibit
17 8, do you recognize this item?

18 A Yes, sir. That's the tape I used to cut the rope.

19 Q Okay. Did you ever apply any of this tape to the body of
20 Defendant Saunders in any way?

21 A No, sir, never.

22 Q Now, after the Defendant said, The man, the man, did he
23 give you any instructions as to what to call him?

24 A No, sir. I see him kneeling down in front of the console,
25 open door and stuff. I mean, I have -- we have one door to the

1 left, we have a little refrigerator, and then we have another
2 door with another compartment to get to the air conditions and
3 the wires, and that's where I see he went to.

4 MR. McMILLAN: Your Honor, is Government's
5 Exhibit 122 already in evidence? I don't believe it is.

6 THE COURT: No, it's not.

7 MR. McMILLAN: May I approach the witness, Your
8 Honor?

9 THE COURT: You may.

10 MR. McMILLAN: Mr. Roth.

11 MR. ROTH: Okay.

12 BY MR. McMILLAN:

13 Q Mr. Rodriguez, I'm showing you what's been marked for
14 identification as Government Exhibit 122, do recognize this
15 item?

16 A Yes, it is the wheelhouse.

17 Q Does it fairly and accurately depict the wheelhouse as you
18 observed it on February 22nd, 2023?

19 A Yes, sir.

20 Q Does it bear your initials on here, indicating that you
21 have reviewed it before?

22 A On the left-hand side, yes, sir.

23 Q On the bottom left-hand side?

24 A Yes, sir.

25 MR. McMILLAN: Okay. At this time, I move for the

1 admission of Government Exhibit's 122, Your Honor.

2 THE COURT: Any objection to admission, Mr. Roth, of
3 Government's Exhibit 122?

4 MR. ROTH: If I can take a second, Your Honor.

5 No, Your Honor.

6 THE COURT: All right. Government's Exhibit 122 will
7 be admitted without objection.

8 (Evidence admitted as Government Exhibit No. 122)

9 MR. McMILLAN: May I publish, Your Honor?

10 THE COURT: You may.

11 BY MR. McMILLAN:

12 Q Okay. Mr. Rodriguez, you were stating that this shows the
13 control panel of the vessel, is that accurate?

14 A Yes, sir.

15 Q Okay. Can you show us where you saw Mr. Saunders disappear
16 to on here?

17 A Well, you can't see from the back here, but in the front of
18 this console, on the front is the control panel. There is a
19 space where it is just a sofa in the front, and after that is
20 the compartments.

21 Q Well, what did you think when you saw him disappear in
22 there?

23 A Well, I thought he was laying down, after he took the phone
24 and tape and his sweater and he kneeling down, I never thought
25 he was going to really do that, but he just disappear.

1 Q Who was driving the boat when that happened?

2 A I was left on the wheel with full throttle, so I have to
3 steer the boat.

4 Q Okay. What would have happened if you weren't steering the
5 boat at that point?

6 A A catastrophe.

7 Q Why do you say that?

8 A Because the boat was heading towards the buoy, the
9 landmark -- the navigation marker.

10 Q Okay. And if it had struck that, what would have happened?

11 A It would have probably definitely crashed the boat because
12 of the fiberglass and the boat would sink.

13 Q And moving to the law enforcement response, at what point
14 did you realize that the police were onto the smuggling
15 venture?

16 A As soon as I avoid the buoy, I put the boat in neutral -- I
17 pulled the throttle back and put the boat in neutral.

18 Q Then what happened?

19 A That's when the police come on board, patrol.

20 Q Did they have their blue lights on?

21 A Yeah, they had the signal lights on, the flashing lights.

22 Q Okay. And did they jump on board your boat?

23 A Right away.

24 Q Okay. Did they have guns?

25 A Oh, yeah, they had long -- black long big guns.

1 Q What happened next?

2 A Thank God they don't shoot because I was the first one at
3 the scene. I mean, they see me and pulled me down. That's
4 when I told the officer, The captain is hiding in front of the
5 console upstairs.

6 Q And why did you tell that to the law enforcement officers?

7 A Because I don't see him, so I figure he is hiding.

8 Q Okay. Did you ever deny that you were driving the boat --

9 A No.

10 Q -- at times?

11 A No, I never deny that.

12 Q Even before you had an attorney?

13 A No. My statement was that both of us drive the boat. I
14 help him drive the boat, that was my job, to help him drive the
15 boat because the hours.

16 Q And you pleaded guilty to that.

17 A That's correct.

18 Q Now, I think I asked you this before, but did Mr. Saunders
19 make any efforts to identify whether you had a visa to enter
20 the United States?

21 A No. He never asked me no question, no such a question. He
22 never asked me for any identification.

23 Q Did you see Defendant Saunders when he was finally
24 apprehended by the police or were you already gone by that
25 point?

1 A No, I was downstairs at the stern. When they brought him
2 downstairs, I was already downstairs with the strap on my hand.

3 Q On your hand?

4 A Yeah.

5 Q Okay. When you came -- when Mr. Saunders was brought
6 downstairs, did you see him?

7 A Yes, sir, and that's when he told me, What the -- shoot, I
8 don't know if I should say that word, What the F, because I
9 told the police that he was hiding.

10 Q He said that to you?

11 A Yes, sir. And I said, What you want me to tell them?

12 Q Well, you could have hidden the fact that he was hiding
13 there.

14 A Of course, because he was with me the whole time. He was
15 the captain, so why did he got to be away. Why -- why he hide,
16 why he don't face authorities?

17 Q Did you see any tape on him at that point in time?

18 A No. As a matter of fact, I know that -- if I remember
19 correctly, I don't know if they had a strap on him or not, but
20 I remember his hands free, he had his hands free.

21 MR. McMILLAN: May I have just a moment, Your Honor?

22 THE COURT: You may.

23 (Brief pause in the proceedings)

24 MR. McMILLAN: May I approach the witness, Your
25 Honor?

1 THE COURT: You may.

2 BY MR. McMILLAN:

3 Q Mr. Rodriguez, does this -- I'm showing you what's been
4 marked for identification as Government Exhibit 109, do you
5 recognize this map, sir?

6 A This is a Bahamas map, yes, sir.

7 Q Were you familiar with the islands depicted in this map?

8 A That's correct.

9 Q Does it fairly and accurately depict that area of the
10 Caribbean where the Bahamas are located?

11 A Yeah.

12 MR. McMILLAN: Your Honor, at this time, I move for
13 the admission of Government's Exhibit 109.

14 THE COURT: Any objection, Mr. Roth?

15 MR. ROTH: No objection, no objection.

16 THE COURT: Government's Exhibit 109 will be admitted
17 without objection.

18 (Evidence admitted as Government Exhibit No. 109)

19 BY MR. McMILLAN:

20 Q And for those among us that are unfamiliar with the
21 Bahamas, you indicated that the boat originally left from one
22 location in the Bahamas, is that correct?

23 A Yes, sir.

24 Q Where did the boat originally leave from when you were
25 driving it with Mr. Saunders?

1 A Can I point?

2 Q Yes, please.

3 A Right here *[indicating]*.

4 Q And that's where the red square is located on this map?

5 A That's Nassau, New Providence, yes, sir.

6 Q And then where did you all go next?

7 A We came just like this, you know, come a point, come all
8 the way over here to the northeast of the barrier islands,
9 coming up this way, that's how I got the truck.

10 Q Did you actually stop in Freeport or not?

11 A No. As a matter of fact, when we was around Freeport, he
12 say, Do not get too close to Freeport because there is a lot of
13 Coast Guard around; in other words, the Coast Guard has been
14 watching the area for speedboat, stuff like that, so he didn't
15 want to get too close to Freeport.

16 Q Let's clarify something, though. When you say he said
17 that, who are you referring to?

18 A Mr. Saunders.

19 Q Okay. And he said don't do what?

20 A Don't stay too close, stay more to the starboard, more to
21 the left.

22 Q Well, didn't Defendant Saunders want to go to Freeport?

23 A That was never my understanding. My understanding was from
24 Nassau, as I point to you, straight to the inlet, St. Lucie --
25 Port St. Lucie Inlet, that's what they call it?

1 Q Trust your own recollection as to where you were supposed
2 to be going, but the --

3 A All I understood was the inlet.

4 Q Okay. And had you ever been to that inlet before?

5 A Never in my life.

6 Q And who was supposed to navigate to that inlet?

7 A Mr. Saunders.

8 Q Okay. What about this fellow Lubin who was on the boat,
9 was he supposed to be doing any of the navigating?

10 A No.

11 Q Why was he there?

12 A Because he was just a helper. My understanding was for him
13 to be overlooking at the engine. At one point, I don't know if
14 he was going to come back with us or if he was going to stay in
15 America, I don't know because, you know, I don't like to ask
16 that much question. I like to hear what people have to say. I
17 ask the question when it need to be asked, especially in those
18 terms of situation, and Mr. Gully told me to not ask too much;
19 just do what you have to do, that's what he told me.

20 MR. McMILLAN: Your Honor, we tender the witness, but
21 there is one brief issue I need to go to speak to Defense
22 Counsel about.

23 THE COURT: All right.

24 Well, since it is 5:18, Mr. Roth, do you think you
25 would finish your cross-examination in ten minutes or less?

1 MR. ROTH: No, Your Honor, I won't.

2 THE COURT: All right. Well, then Mr. Rodriguez will
3 come back to continue his testimony tomorrow.

4 We are at this point -- so you can confirm with
5 Mr. Roth afterwards, or does it have to happen at this very
6 moment?

7 MR. McMILLAN: I think it would be useful to do it
8 before he commences his cross-examination.

9 THE COURT: Well, that's not going to start until
10 tomorrow is what I'm trying to say.

11 MR. McMILLAN: That's fine, Your Honor.

12 THE COURT: Ladies and gentlemen, it is 5:19 to be
13 exact and because we normally stop at 5:30, I think it makes
14 sense now to end for the day.

15 We will, however, commence tomorrow promptly at
16 9:00 a.m., so please be here. And I will, as I did earlier,
17 admonish you of certain things to ensure again that the
18 procedure and the process remains fair.

19 So ladies and gentlemen, you are reminded that you
20 are not to discuss this case with anyone, or to permit anyone
21 to discuss it with you. Until you retire to the jury room at
22 the end of the case to deliberate on your verdict, you simply
23 aren't to talk about this case.

24 Please remember not to read or listen to anything
25 touching on this case in any way. If anyone should try to talk

1 to you about it, please bring it to my attention promptly.

2 Keep in mind, as I reiterated earlier, you must not
3 do any research or make any investigation on the case on your
4 own. The only evidence in the case is the testimony of the
5 witnesses that you hear in court and the evidence that is
6 introduced during the official proceedings in the courtroom.

7 Also, remember that you must not have any contact
8 with the attorneys, parties or witnesses in the case. If you
9 should see them, please keep in mind they are not being rude to
10 you, they are simply required to avoid any contact and not talk
11 to you, so please adhere to that.

12 Finally, remember that you must not form any opinion
13 about this case. Until all of the evidence has been presented,
14 you are required to keep an open mind until you start your
15 deliberations at the end of the case.

16 So with that, I wish you a pleasant evening, and we
17 will see you tomorrow at 9:00 a.m.

18 All rise for the jury.

19 (The jury retired from the courtroom 5:21 p.m.)

20 THE COURT: All right. Thank you, Mr. Rodriguez; you
21 may be excused.

22 Thank you, Marshal. Please ensure that he is back
23 here at the courthouse tomorrow morning to resume his
24 testimony.

25 U.S. MARSHAL: Yes, Your Honor.

1 THE WITNESS: Thank you.

2 (Witness excused)

3 THE COURT: Mr. McMillan.

4 MR. McMILLAN: Yes, Your Honor.

5 THE COURT: All right. To recap, in terms of
6 evidence exhibits that were admitted today, we had 1 through
7 100 admitted without objection; we had Government Exhibits 105,
8 109, 120 and 122 without objection.

9 UNIDENTIFIED SPEAKER: Your Honor, 121 as well.

10 THE COURT: 121 it was not admitted, referenced, but
11 not admitted.

12 MR. McMILLAN: Yes, Your Honor, it was for
13 recollection purposes.

14 THE COURT: That's correct, okay.

15 Is that consistent, Mr. Roth, with your list?

16 MR. ROTH: It is, Your Honor.

17 THE COURT: We will resume the testimony of
18 Mr. Rodriguez tomorrow morning. Please be here at 8:30 for the
19 charge conference.

20 With respect to the text messages 118 and 117, I did
21 want to give Mr. Roth one final opportunity to articulate
22 exactly why you think these documents are unfairly prejudicial.

23 MR. ROTH: Judge, because the Defense has not relied
24 upon them at all and so for the Government to introduce them
25 strictly for the purpose of impeaching something that hasn't

1 been offered, there is no probative value, it's only
2 prejudicial.

3 THE COURT: Okay. Now, you don't disagree, though,
4 that these are statements made by Mr. Saunders.

5 MR. ROTH: I don't stipulate to that, no, Judge.

6 THE COURT: Okay, all right. So I'm inclined to
7 admit these, provided the Government does lay a proper
8 foundation, so I'm not going to admit them now, but
9 Mr. McMillan, you may be permitted to attempt to establish a
10 foundation for these text messages, which at this point, I find
11 to be a relevant part of the evidence in this case as relates
12 to the Defendant's criminal motivation to engage in the alleged
13 offenses, and so while Mr. Roth has officially withdrawn the
14 duress instruction, that, in the Court's view, doesn't render
15 these unfairly prejudicial under the 403 standard, nor does the
16 403 standard change simply because the Defense itself has not
17 chosen to rely upon these exhibits.

18 So for those reasons, I am inclined to admit these
19 exhibits, but again, Mr. McMillan, you should first establish a
20 foundation for them, and we can take up any additional argument
21 at that time.

22 MR. McMILLAN: Yes, Your Honor.

23 THE COURT: Any other arguments to discuss at this
24 time before we recess for the night?

25 MR. McMILLAN: Your Honor, the only other thing I

1 wanted to bring to Defense Counsel's attention is that in order
2 for us to get a certified alien file from the Citizenship and
3 Immigration Services, they will not certify just an individual
4 document. You have to get the entirety of the file certified,
5 which we provided to Defense Counsel in discovery.

6 The problem is, is they enclouded about 100 pages of
7 criminal history for someone who isn't this man in his A file,
8 and I just wanted to go and bring that to Defense Counsel's
9 attention, that if they look carefully at this, they will see
10 date of birth and a whole bunch of other stuff are not for this
11 individual. They are contained in the certified copy of the
12 alien file because I can't break it up and give them a
13 certified copy, but you need to read these closely, so I wanted
14 to let Defense Counsel know, if you plan on asking him if he
15 has been convicted for all of these things in California or
16 whether he is from Bogota, Columbia, the answer is going to be
17 no.

18 THE COURT: Mr. Roth, anything to discuss about this
19 at this time?

20 MR. ROTH: Yes, Your Honor. This was turned over in
21 discovery, it is a certified copy of the official alien file
22 for this Defendant and I've relied upon it, I have referenced
23 it in my opening statement, and I think if the Government is
24 going to allege that it is in his A file, but it doesn't
25 pertain to him, they need a witness to testify to that because

1 my position is, it's in his certified alien file and it does
2 pertain to him; otherwise, it wouldn't be in there.

3 THE COURT: All right. Mr. McMillan, I think you
4 should think about this issue further, and --

5 MR. McMILLAN: Certainly, Your Honor.

6 THE COURT: -- perhaps find a solution because
7 Mr. Roth does have a point.

8 So that's all I have for now, I'll see you all at
9 8:30 in the morning.

10 MR. McMILLAN: Thank you, Your Honor.

11 THE COURTROOM DEPUTY: All rise.

12 (PROCEEDINGS ADJOURNED AT 5:26 P.M.)

13

14 **C-E-R-T-I-F-I-C-A-T-E**

15 I hereby certify that the foregoing is
16 an accurate transcription and proceedings in the
17 above-entitled matter.

18

19 **10/3/2023**
DATE

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22

23

24

25

/s/DIANE MILLER
DIANE MILLER, RMR, CRR, CRC
Official Court Reporter
United States District Court
101 South U.S. Highway 1
Fort Pierce, FL 34950
772-467-2337

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